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General Assembly
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Official Records

69th plenary meeting
Tuesday, 24 November 1998, 3 p.m.
New York

President: Mr. Opertti ..... (Uruguay)

In the absence of the President, Mr. Belinga-Eboutou (Cameroon), Vice-President, took the chair.

The meeting was called to order at 3.10 p.m.

Agenda item 38 *(continued)*

Oceans and the law of the sea

(a) Law of the sea

Report of the Secretary-General (A/53/456)

Draft resolution (A/53/L.35)

(b) Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

Report of the Secretary-General (A/53/473)

Draft resolution (A/53/L.45)

Mr. Jacovides (Cyprus): Since Cyprus has associated itself with the position of the European Union expressed this morning in the statement delivered by the representative of Austria on this subject, I shall confine my statement to certain aspects of the law of the sea that are of particular interest and importance to us.

May I recall that Cyprus actively participated in the elaboration of the United Nations Convention on the Law of the Sea throughout the Conference on the Law of the Sea and was among the first States to sign and ratify the Convention, as well as the subsequent 1994 Agreement relating to the implementation of Part XI of the Convention.

As an island State in the Mediterranean Sea located between three continents — Europe, Asia and Africa — prominent now as it was in antiquity in shipping and commerce, Cyprus is vitally concerned with the legal regulation of the sea and of the oceans in a just and orderly manner that ensures fairness and predictability. We consider the Conference on the Law of the Sea to have been the most significant multilateral law-making undertaking since the Charter of the United Nations was adopted. We also consider the Convention on the Law of the Sea — despite its imperfections, which were necessitated by the objective of reaching an overall agreement by consensus — as a veritable constitution of the seas and the oceans and as a monumental achievement that deserves the support of the international community. It can be validly stated that, with subsequent practice, the bulk of the provisions of the 1982 Convention, which encompass the breadth of the territorial sea and the regime of islands, have acquired the weight of customary international law.

My delegation is pleased to participate in this debate, as it provides a welcome opportunity for an annual review of all developments relating to the law of

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the sea and oceans in their various manifestations. In this regard, we are grateful to the Secretary-General for his comprehensive report, which contains a wealth of relevant information, and we acknowledge with appreciation the valuable and constructive work carried out by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs at the Secretariat. Their work is particularly helpful to developing countries with limited technical means and expertise. We are also grateful for the contribution of the representatives of the institutions created under the Convention, and more particularly to the President of the International Tribunal for the Law of the Sea, Mr. Thomas Mensah, and the Secretary-General of the International Seabed Authority, Mr. Satya Nandan.

This being the year proclaimed by the General Assembly as the International Year of the Ocean, we acknowledge with appreciation the very useful work carried out in this context by the Independent World Commission on the Oceans under the leadership of its Chairman, President Mário Soarès. The Commission's report entitled *The Ocean ... Our Future* contains much valuable material and deserves careful consideration.

Cyprus supports the goal of universal participation in the Convention, recognizes the need for all States to harmonize their national legislation with the provisions of the Convention and urges all States parties to pay their assessed contributions to the Authority and the Tribunal in time and in full so as to enable them to carry out effectively their important functions under the Convention.

We also share fully in the concern regarding the increasing number of cases of piracy and armed robbery against ships. We fully support the efforts and initiatives of the International Maritime Organization and all concerned to effectively combat such unlawful activities.

We note with satisfaction the increase in the number of States parties to the Convention and the Agreement, as well as the positive developments relating to the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. We also note the steps taken to put into place the dispute settlement mechanisms envisaged by the Convention on conciliation, arbitration and special arbitration, and we would both encourage and welcome additional steps by States parties to put these mechanisms into full effect.

Our own strong preference for the settlement of disputes regarding the law of the sea — as expressed at the Conference on the Law of the Sea as early as 6 April 1976 — has been "for an effective, comprehensive, expeditious and viable dispute settlement system entailing a binding decision regarding all disputes arising out of the substantive provisions of the Convention".

This is all the more so since some of these provisions — including those on the delimitation of the exclusive economic zone and the continental shelf between States with opposite or adjacent coasts, articles 74 and 83, respectively — being the result of compromise which some considered as constructive ambiguity, leave room for different interpretations and therefore readily lend themselves to disputes. While recognizing the realities in the present state of development of the international community, we hold this position both because of our attachment to the principle of equal justice under the law and because of our national interest as a small and militarily weak State that needs the protection of the law, impartially and effectively administered, in order to safeguard its legitimate interests under the Convention on the Law of the Sea.

Of particular interest to us is the ongoing work of the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the Convention on the Law of the Sea with regard to the protection of underwater cultural heritage, in conformity with the relevant provisions of the Convention's articles. These include article 33, on the contiguous zone; article 149, on archaeological and historical objects found in the Area, with "particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical or archaeological origin" (Part XI, section 2, article 149); and article 303, on archaeological and historical objects found at sea.

In the light of recent scientific developments that make feasible much more extensive underwater exploration and recovery than ever before, this activity acquires additional topicality and urgency, particularly in areas rich in such objects — such as the Eastern Mediterranean — and is a subject of considerable importance to Cyprus.

In conclusion, my delegation — as a sponsor of draft resolution A/53/L.35, which was introduced this morning by the representative of Finland — fully supports all provisions of that text and expresses the hope that it will receive the general support it deserves, thus

taking another major step in the direction of international legal order in the seas and the oceans.

We also believe that the draft resolution contained in document A/53/L.45, which was introduced this morning by the representative of the United States, Senator Claiborne Pell, also deserves general support.

Mr. Sharma (India): We welcome the comprehensive and informative reports of the Secretary-General on matters relating to the law of the sea and ocean affairs. We are also pleased to co-sponsor the draft resolution on the law of the sea.

Given our geography as a country with a coastline exceeding 4,000 miles and with 1,300 islands, India has a traditional and abiding interest in maritime and ocean affairs. Extensive trade by sea between India and Arab countries on the one hand and the South-East Asian States as well as Africa on the other, was carried on during ancient and medieval times. Large populations in our coastal areas and in the islands have always looked to the sea for sustenance. India has actively participated in the development of the law of the sea, including in the Geneva Conferences and in the Third United Nations Conference on the Law of the Sea. We have invested heavily in the exploration and exploitation of the petroleum and hydrocarbon resources of our territorial waters and exclusive economic zone as well as in the exploration of minerals in the deep seabed.

During the current year, six States have ratified the 1982 United Nations Convention on the Law of the Sea, and a total of 129 States, plus one international organization, are now parties to the Convention. However, we note with concern that a number of States which became members on a provisional basis under the terms of the 1994 Agreement relating to the implementation of Part XI of the Convention, and whose requests for extension of membership on a provisional basis were approved by the Council of the International Seabed Authority up to 16 November 1998, have not so far become parties to the Agreement and the Convention. It was understood that while continuing as members on a provisional basis, these States would make efforts in good faith to become parties to the Convention and the 1994 Agreement, and we accordingly urge such States to expedite their efforts, in good faith, to complete the process of their becoming parties to the Convention and Agreement.

Further, it may be noted that the 1994 Agreement was negotiated and finalized to accommodate those States which had expressed their inability to become parties to the Convention on the Law of the Sea, as adopted in 1982, unless their concerns were met. All their concerns having been accommodated, they must, in good faith, now expedite the process of becoming parties thereto.

At its 1997 session, the International Seabed Authority granted its approval to the plans of work for exploration of mine sites submitted by the registered pioneer investors. As a registered pioneer investor, India was granted approval for its plan of work for exploration of the mine site in the Indian Ocean which it had registered with the United Nations. Having fulfilled its obligations under the Convention, the Agreement relating to Part XI and resolution 2, India is thus eligible to obtain a contract for exploration of its mine site, which could be done as soon as the Seabed Mining Code is approved by the Authority. The initial draft of the seabed mining code, which sets out an exploration regime for polymetallic nodules along with a model exploration contract and standard contract clauses, was prepared by the Legal and Technical Commission in August 1997. The Council of the Authority reviewed the draft code at its fourth session in 1998 and will continue the review on a priority basis at its fifth session in 1999. The elaboration of the mining code constitutes the most important substantive basis for carrying out the functions of the International Seabed Authority, and we urge its early adoption.

We welcome the adoption on 26 March 1998, and the subsequent opening for signature on 17 August 1998, of the Protocol on the privileges and immunities of the International Seabed Authority.

The Commission on the Limits of the Continental Shelf, at its fourth session, has provisionally adopted its Scientific and Technical Guidelines, which are aimed at assisting coastal States to prepare their submissions regarding the outer limits of their continental shelf. Although consensus is still to be reached on parts of the text, the Commission has also agreed that, pending their formal adoption at the next session, the Guidelines could be provisionally applied. We welcome the adoption, on 4 September 1998, of the Commission's rules of procedure, which recognize that the rules deal only with the procedures of the Commission and not with the rights and obligations of States.

Turning now to the International Tribunal for the Law of the Sea, we are glad to note that, in the short period it has been in existence, the Tribunal has already

delivered its first judgment and that an application on the merits of the case is now before it. It may be noted that a number of cases involving maritime matters, including questions of maritime boundaries and fisheries rights, are currently also before the International Court of Justice. Accordingly, given the increasing readiness and confidence displayed by States parties to resort to compulsory third-party means of settlement of disputes relating to maritime matters, and given its special expertise in this field, the Tribunal may be expected to play an increasingly vital role in this important area.

On fisheries issues, we consider the 1995 Agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks as a landmark in the implementation of the Convention on the Law of the Sea. The implementation of the Agreement should guarantee the enforcement of the rights of the coastal States while taking into account the interests of the distant water fishing nations. Technical and financial support should be extended to the developing countries for development of their fisheries, as envisaged in articles 24 and 25 of the Agreement. Further, the artisanal and small-scale fisheries, including subsistence fisheries, should be protected in view of their social, economic and cultural importance to coastal communities in the developing countries.

A large number of international rules, regulations and standards in the field of maritime safety and prevention of marine pollution have been adopted, and it is necessary that these rules be effectively enforced. While the primary responsibility for the enforcement of international rules and regulations is that of the flag State, regional cooperation for this purpose is more effective, as well as economical, in enforcing compliance. India and 14 other States of the region on 5 June 1998 signed the Memorandum of Understanding on Port State Control for the Indian Ocean Region, under which the maritime authority of each State must inspect at least 10 per cent of the foreign merchant ships entering its ports during the year. Information will be exchanged so that ships that have been inspected and found to be complying with all rules are not subjected to frequent inspection, while ships having deficiencies that need to be rectified could be more frequently inspected to ensure compliance.

We welcome the submission of the report of the Independent World Commission on the Oceans and congratulate Mr. Mário Soarès, the Chairman, and other members for producing the report, which has been submitted during the International Year of the Ocean. We also thank Mr. Soarès for introducing the report. My Government will examine in detail the content of the report. We are confident that the recommendations of the Commission can contribute to an increased awareness of ocean-related issues and promote an informed debate, thereby assisting in the effective implementation of the provisions of the United Nations Convention on the Law of the Sea.

I would like to reiterate that my delegation attaches great importance to all matters concerning the implementation of the United Nations Convention on the Law of the Sea. We will continue to extend our full cooperation with a view to strengthening the new institutions that have been set up under the Convention and will continue to participate actively and constructively in all United Nations activities pertaining to the Convention and related agreements.

In conclusion, I would also like to emphasize that considering that the International Seabed Authority and the International Tribunal for the Law of the Sea are still in the early phase of their establishment and operation, it is important that Member States pay their assessed contributions in full, on time and without conditions in order to enable these bodies to function effectively.

Mr. Gao Feng (China) (*interpretation from Chinese*): At the outset, please allow me to extend my congratulations on the convening of the eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea and of the fourth session of the International Seabed Authority. I would also like to take this opportunity to thank the presidents and other officers of the two meetings, as well as the staff of their secretariats.

The year 1998 has been designated by the United Nations as the International Year of the Ocean. This shows the international community's profound understanding of the importance the seas and oceans have for the survival and development of mankind. As a large developing coastal State, China, like other members of the international community, attaches great importance to the peace, tranquillity and stability of the seas, the effective and sustained utilization of marine resources, the study and development of ocean science and the protection of the marine environment.

We have noted that the United Nations Convention on the Law of the Sea, the Agreement relating to the implementation of Part XI of the Convention and all other relevant rules, regulations and procedures have

provided a legal framework for the achievement of our goals. They also represent the guidelines the international community must observe in using and protecting the sea. China has therefore supported and participated in all organs and their activities under the Convention regime and will continue to do so.

China values highly the work of the International Seabed Authority. The Council of the Authority, following its approval last year of the plan for exploration by the pioneer investors, began its consideration of the draft regulations on prospecting for and exploration of polymetallic nodules in the international seabed area during its fourth session, held this year. The draft is a very important document with respect to the international seabed system. The Chinese Government is of the view that the consideration and formulation of the regulations should be guided by the principle of the common heritage of mankind and should facilitate mankind's protection, development and utilization of that common heritage. For this purpose, the draft should uphold the legitimate rights and interests of the developing countries in the transfer of and training in technology, including adequate and reasonable provisions for the protection of the marine environment. At the same time, taking into account their contributions in developing and utilizing the common heritage, the pioneer investors' legitimate rights should also be safeguarded. While maintaining balance between rights and duties, more States and qualified entities should be encouraged to operate in the area. Only in this way will the draft regulations be accepted by all sides and the common heritage be used to promote the economic and social development of all humanity. Only then will it be possible to better protect the marine environment through greater efforts and technological development. As one of the pioneer investors in the development of international seabed resources, China will, as always, fulfil its obligations in good faith and make contributions to the development and utilization of seabed resources as well as to the protection of the marine environment.

Last June, the Authority held a workshop in Sanya, on China's Hainan Island, on the development of guidelines for the assessment of possible environmental impacts arising from the exploration of deep sea polymetallic nodules in the international seabed area. This was the first workshop convened by the Authority since its inception and the first meeting away from its headquarters. Thanks to the heated discussions by experts of various countries, as well as their hard work, the seminar identified the possible impacts on the environment of the exploration of polymetallic nodules. The Chinese Government is grateful to the Authority for holding this very important workshop in China. The China Ocean Marine Organization, entrusted by the Authority with the task of hosting the meeting, provided support so that it could be successful.

At the same time, we are pleased to see that, following its organizational work, the International Tribunal for the Law of the Sea, established under annex VI of the Convention, has taken up its substantive functions. On 4 December of last year, the Tribunal delivered its judgement on the M/V Saiga. Being the first case of the Tribunal since its inception, the trial marked a good beginning for the Tribunal's work in settling maritime disputes. The Chinese Government hopes that the Tribunal can play an important role in settling such disputes.

Furthermore, progress has also been made in the work of the Commission on the Limits of the Continental Shelf, established under annex II of the Convention. It has now begun its consideration of the technical rules. We hope and believe that the experts of the Commission will provide a scientific basis and advisory opinions for the delimitation of the outer limits of the continental shelf.

China attaches great importance to and takes an active part in ocean affairs and has made its share of contributions to the peace and stability of the sea and the sustained utilization of marine resources. Last May, the Chinese Government issued a white paper on China's maritime development. The paper gives a comprehensive introduction to China's ocean policies and its achievements in the development and protection of the sea.

As I stated earlier, China is a large developing coastal country; its development in the field of maritime affairs, and the stability of its neighbouring sea area, constitute an important element in the development of the world's ocean affairs and the establishment of an order governing ocean space. China would like to make its contribution in this regard.

At the same time, China has drawn up relevant laws pursuant to the provisions of the United Nations Convention on the Law of the Sea. Last June, the Chinese National People's Congress adopted a law of the People's Republic of China on the exclusive economic zone and the continental shelf. This law, on the basis of the Convention, determines China's sovereign rights and

its exclusive jurisdiction over its exclusive economic zone and the continental shelf. The law also stipulates,

> "In cases where the claims of the People's Republic of China over the exclusive economic zone and the continental shelf overlap those of the States with opposite or adjacent coasts, the delimitation should be achieved on the basis of international law and agreements governed by the principle of equity."

This stipulation is in conformity with the principles set out in the convention concerning the delimitation of the exclusive economic zone and the continental shelf. The Chinese Government will, in accordance with this provision and on the basis of international law, including the Convention, appropriately settle the question of overlapping claims to maritime jurisdiction with its neighbouring States through friendly negotiations.

As humankind enters the twenty-first century, the relationship between the seas and humanity is becoming increasingly close. The international community should make collective efforts within the Convention's framework to strive for a healthy and stable order of the seas in the next century, so that the seas and oceans can better serve mankind, which, in return, can better repay them.

Mr. Relang (Marshall Islands): Allow me at the outset to fully associate myself with the statement made by the Chairman of the South Pacific Forum. My delegation has been equally firm in stressing the importance of sustainable development ever since we first became a Member of the United Nations. Our convictions and our support were most recently reiterated by Mr. Imata Kabua, President of the Republic of the Marshall Islands, at the South Pacific Forum meeting in Pohnpei, Federated States of Micronesia. It is, and will remain, the cornerstone of the Government's policy, but I must recall the sentiments that we have often voiced: sustainable development is not the easiest path to travel for a small country such as the Marshall Islands. However, our marine resources and their sustainable development, conservation and management are recognized as a major component for ensuring our future economic growth.

The issues relating to oceans and the law of the sea are of great importance to all small island developing States, and in particular to the Pacific island countries. This has been shown in part by our readiness to become a sponsor of the draft resolutions before the General Assembly today.

The resources of the sea represent our most tangible asset for future development and prosperity. The Republic of the Marshall Islands has taken, especially within the past year, a very proactive approach towards the sustainable development of our fisheries. At a time when reform policies for the public sector and the structural adjustment that this entails are taking effect in the Marshall Islands, our fisheries sector is also undergoing significant changes. While these changes have not been easy, the results will no doubt foster sustainable economic development, while conserving and managing our most precious renewable resource.

New fisheries policies and legislation were introduced last year, and have been approved by our Parliament. These policies demonstrate our firm commitment to sound management and conservation of our fisheries. One such example is the new Marshall Islands Marine Resources Act, which incorporates approaches taken at the international level, particularly with regard to the United Nations Convention on the Law of the Sea, and the subsequent Agreement on straddling fish stocks and highly migratory fish stocks. In addition, this Act has fully taken on board many of the provisions stipulated in the law of the sea.

The Marshall Islands is an active participant in the ongoing multilateral high-level consultation process in the Pacific. We were concerned about the need to have working arrangements for the region while we were dealing with the practical considerations regarding ratification of the Agreement. I might add that the recent legislation has taken us a good step further in that direction. Last year, the Marshall Islands hosted the second conference of these high-level consultations in our region. A full report was presented to the nineteenth special session of the General Assembly in June 1997, and is available as a document of that session.

The process of negotiations is of great importance to the region, and it exemplifies a drive that goes beyond a simple commitment on our part. The process has initiated steps towards the establishment of a multilateral management arrangement for the Pacific region, which will include the high seas. This year, the third round of consultations was held in Japan, and we are confident that the process remains on track.

The Marshall Islands has nearly completed an in-zone fisheries management plan. This plan, combined with our recently completed Marine Resources Act and the National Fisheries Development Plan, further

demonstrates our commitment to meaningfully implementing the provisions of the law of the sea in this context, specifically articles 61 and 62. In addition, these arrangements will be fully compatible with the provisions of the Agreement as a whole and will further assist us in the ratification process.

I can inform the Assembly that the Marshall Islands Parliament has completed its substantive work on the ratification process of the Agreement, and all that remains is a formality prior to the signing of the ratification instrument by the Minister of Foreign Affairs and Trade.

The Marshall Islands is an active member of our regional organization, the South Pacific Forum Fisheries Agency. At its regular meetings, the committee has emphasized the need for financial support from the international community if we are to succeed in furthering the process which has been initiated in our region in multilateral high-level consultations. I would like to take this opportunity to echo that sentiment here in the General Assembly. Sustainable development, conservation and management in the developing countries and in their regions require the support of the international community. There is much work to be done.

For example, the report of the Secretary-General (A/53/473) stresses that the level of illegal fishing activities in the Pacific would decrease with the implementation of a vessel monitoring system on distant-water nations' fishing vessels. This was discussed at length here in New York in the context of the Agreement negotiations, and we have several indications to confirm this assertion. It is for this reason that our regional consultations have taken this point very seriously and have included it as a major item to be concluded. The Marshall Islands will continue to promote a comprehensive regional approach to fisheries issues, as we see the benefits of cooperation and the strength of unity.

It is in this regard that my delegation wishes to stress the importance of this financial and technical support from the international community. We strongly support the inclusion of this idea in the draft resolutions before us and urge the General Assembly to accept these important recommendations. The role of the non-governmental organizations is also important to bear in mind and they should continue to be invited to submit views on these resolutions in the future.

I would like to conclude by stressing the provision of article 64 of the Law of the Sea that cooperation between coastal States and States that fish in the region is compulsory. This cooperation includes ensuring that appropriate meetings, with the full participation of all parties, occur in a timely manner and that there is sufficient funding for such meetings. Marshall Islands is fully in compliance with this cooperative spirit and we would urge those with interests in our fisheries to be equally forthcoming in their support.

Mr. Crighton (Australia): The United Nations Convention on the Law of the Sea has been the basis of Australia's approach to the regulation of maritime space since its entry into force in 1994, and it is pleasing to see that, in this International Year of the Ocean, there have been further accessions to this very important Convention. We look forward to the day when there is universal adherence to this basic document of the international legal order.

Slowly but surely, the institutions created by the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — are taking shape, adopting the internal practices and regulations that will allow them in time to make their full contribution to the law of the sea system. This process is not a spontaneous one, however, and we express our gratitude to all those whose hard work and dedication make it all possible.

If I may, I wish to single out just two points for special mention. First, the draft mining code being developed by the Authority is receiving close and careful scrutiny at the Council stage. Given the delicate nature of the economic and environmental issues involved and the need to strike balances between competing legitimate interests in the field of deep seabed mining, Australia feels sure that the time and effort being spent on this document will be worthwhile and that we will collectively produce a sound and balanced code that takes the interests of all parties into account.

Secondly, the Commission recently released technical guidelines for submissions relating to the extended continental shelf, and my authorities are studying these with very great interest. Work is progressing on preparation of Australia's submission in relation to the Australian continent and our territories, which we hope will be exemplary.

My delegation is pleased that this year's general draft resolution under the item on oceans and the law of

the sea includes new provisions relevant to safe navigation, namely, on the important questions of piracy and hydrography. As a maritime nation in a region that has suffered from the crime of piracy, Australia welcomes the strong and effective language of the draft resolution on this issue. We will continue our cooperation with other States of our region to ensure the greatest possible success in preventing and combating piracy.

Chapter V of the International Maritime Organization International Convention for the Safety of Life at Sea, though not yet in force, points the way to the provision by coastal States of hydrographic services for users of the sea generally. Such States may find the draft resolution a useful guide for their hydrographic offices as to what is likely to be required of them in future.

Australia welcomes the efforts of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the area of protection of underwater cultural heritage. This cooperative effort of States to address potential risks arising from unsupervised human activity is an important and positive development.

The key objective in formulating a draft convention is a practical one — to protect endangered cultural heritage — and it is important to ensure that this is achievable. Australia regards coastal state jurisdiction of waters, including the continental shelf, to be the only practical and workable arrangement for effective implementation of a convention. The current provisions relating to this in the UNESCO draft should be retained. It would be a simple and practical extension of surveillance activity already conducted to also exercise jurisdiction over objects of cultural value to best ensure their protection. Australia looks forward to participating in the forthcoming meeting of government experts at UNESCO headquarters in April 1999.

The Australian Government expects to release a comprehensive and integrated oceans policy before the end of 1998 — this, of course, being the International Year of the Ocean. A major initiative under the oceans policy will be the development of a regional marine planning process for our exclusive economic zone.

Australia has a strong commitment to establishing a national representative system of marine protected areas. As a substantial tool to protect and conserve Australia's marine biodiversity, the system will also manage human impacts within protected areas. To focus priorities, a Strategic Plan of Action has recently been produced, concentrating on the establishment of marine protected areas throughout Australia's entire marine area. Australia's national system is an integral part of Australia's oceans policy and contributes to the global representative system of marine protected areas.

This year, the second largest marine protected area in the world was declared in the Great Australian Bight. The Great Australian Bight Marine Park is very interesting; it protects the calving area of the southern right whale, internationally recognized as endangered, and a highly diverse area of the sea floor across the 200-nautical mile width of the economic exclusive zone.

Australia has commenced the declaration process for five significant new marine protected areas. These include the waters around Macquarie Island, Australia's sub-antarctic territories of Heard and MacDonald Islands, the Tasmanian seamounts, Lord Howe Island, and Cartier Island and Hibernia Reef in the Indian Ocean. These marine protected areas will significantly enlarge the area of protection of temperate water ecosystems, and we are very proud of that.

The Australian Government is steadily moving ahead with the process of becoming a party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. As an aside, I wonder if we might sometimes find shorter titles for some of these very important documents.

As part of the ratification process for this Implementation Agreement, laws will be amended and regulations developed to make it an offence for Australian flagged vessels to fish in another State's exclusive economic zone without authorization from that State. Because many of the larger Australian flagged vessels are part of domestically managed fisheries where we have a vessel-monitoring system in place, Australia has the ability to monitor and alert vessel operators before they undertake fishing in areas under the jurisdiction of other States. In the meantime, of course, Australia is already exercising the Implementation Agreement's precautionary approach to fisheries management.

Australia has serious concerns about the potential impact of drift-net activity on the high seas in waters surrounding Australia. The use of large-scale drift-net

fishing in the Australian fishing zone by Australian citizens fishing from Australian boats is absolutely illegal. The Australian Government has a closed-ports policy for unlicensed foreign fishing vessels. Exceptions are made only when the vessel is licensed regionally or when it conforms with a regional fisheries management arrangement and the vessel may be adequately monitored. Since the introduction of this policy no drift-net vessels or vessels directly supporting drift-net vessels have been granted access to Australian ports. Foreign fishing vessels equipped with large drift-nets have been apprehended and prosecuted for fishing in Australian waters and have had their drift-nets forfeited and destroyed.

There has been excellent progress since last year on a Western and Central Pacific fisheries agreement. Australia express its appreciation to the Government of Japan for hosting the most recent conference and urges participating States to maintain the harmonious and constructive atmosphere that has allowed so much progress to be made on what is a really very difficult but extremely important project.

By contrast, Australia is deeply concerned at the extent of illegal and unregulated fishing in the Southern Ocean and sub-Antarctic waters, particularly for Patagonian toothfish. While welcoming the measures adopted at a recent meeting of the Commission for the Conservation of Antarctic Marine Living Resources, which is designed to combat illegal, unregulated and unreported fishing for these species, Australia sees them as a necessary but insufficient step towards the more stringent action that is required for dealing with this issue, in particular, the need for a catch certification scheme for toothfish. We will be pressing for a more positive approach to the issue of catch certification at a special meeting of the Commission in Brussels early next year.

In Australia growing concern on the part of the fishing industry and the public at the impact of fishing operations on the marine environment has prompted the development of a policy on by-catch. A national by-catch policy has been drafted, and it will provide a flexible framework for addressing the issue. Principles of policy include determination of acceptable and sustainable levels of by-catch as well as by-catch reduction and protection of vulnerable or endangered species.

The Australian Government has listed under its endangered species protection legislation some species that may be caught incidentally in the course of fishing operations. The listing of these species requires the preparation of a recovery plan which provides the framework for dealing with a variety of threats, of which fishing is just one. That plan has just recently been released for public comment.

The Australian delegation fully associates itself with the statement delivered earlier by Ambassador Nakayama of the Federated States of Micronesia on behalf of the South Pacific Forum member countries who are Member States of the United Nations (SOPAC). The ocean is of immense importance to the South Pacific Forum countries, all of which share a common bond, of course the Pacific Ocean. Like the other SOPAC countries, Australia welcomes the fact that the International Year of the Ocean has provided an opportunity for the international community to focus renewed attention on the development and implementation of the law of the sea and oceans policy. Australia will continue to endeavour to play an active and constructive role on this vital issue in the future.

Mr. Mabilangan (Philippines): The Philippines welcomes and is greatly encouraged by the importance the General Assembly continues to give to the issue of oceans and the law of the sea.

We note with appreciation the report of the Secretary-General on oceans and the law of the sea (A/53/456). This report represents a clear and concise record of all our efforts and all the relevant developments relating to the oceans and the law of the sea.

As a maritime State that relies on the sea for its continued development, the Philippines attaches utmost importance to a just, orderly and meaningful legal regime for our seas and oceans. Today, the institutions of that regime are fairly in place. The International Seabed Authority is now operational under the able leadership of its Secretary-General. The International Tribunal for the Law of the Sea is carrying out its mandate, and the Commission on the Limits of the Continental Shelf has been working earnestly, although we would appreciate more transparency in its work.

The Meetings of States Parties to the United Nations Convention on the Law of the Sea continue to provide a forum for meaningful discussions on the law of the sea issues. The progress of these Meetings leads us to believe that State parties are ready to assume a new and perhaps more challenging role in the common interpretation and universal application and implementation of the Law of the Sea Convention.

Cooperation is increasing in all regions and in all sectors, from scientific research to rescue at sea to combating piracy. But problems still exist. Pollution and destructive fishing methods continue to threaten the fragile ocean environment. Piracy remains a threat to the safety of navigation.

In addition, there is a great potential for conflict over maritime zones and jurisdictions brought about by differences in the interpretation and application of the Convention, specifically with regard to the sovereign rights of a coastal State in its exclusive economic zone. This becomes particularly relevant at this time in light of the recent developments in the South China Sea.

We reiterate our position on the South China Sea issue, that the parties concerned should resolve their differences or disputes through peaceful means and in accordance with international law, including the Law of the Sea Convention. As a country that wishes to address this matter peacefully, the Philippines asks the international community to remain interested in and concerned about the South China Sea issue, as it has broader implications for the universal application of the Convention, for the peace and security of the Asia-Pacific region and for the maintenance of a stable world order.

Mr. Pham Quang Vinh (Viet Nam): It is a pleasure for me to address the plenary on the important agenda item "Oceans and the law of the sea" as the General Assembly considers developments pertaining to the implementation of the United Nations Convention on the Law of the Sea and other developments and issues relating to ocean affairs and the law of the sea. In this connection, I would like to express our high appreciation to the Secretary-General for his informative and comprehensive reports contained in documents A/53/456 and A/53/473.

This year, 1998, proclaimed the International Year of the Ocean, has been particularly eventful in the field of ocean affairs and the law of the sea. Numerous developments have been recorded. The three international bodies created by the Convention on the Law of the Sea have all been established and have commenced substantive work in areas within their competence: the exploitation, exploration, management and conservation of maritime areas, continental shelves and the deep seabed and their natural resources.

Viet Nam notes with satisfaction that the Convention has now been ratified by some 130 countries, constituting a broad representation of regional groups. This further underscores the great importance of the Convention and signifies the general trend towards universal participation in and adherence to its legal regime.

Furthermore, more than 90 States parties to the Convention have fulfilled the legal process to be bound by the Agreement relating to the implementation of Part XI of the Convention adopted by the General Assembly in July 1994. Other countries are also taking the necessary steps to become parties to this Agreement.

A considerable number of States have signed the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, adopted in August 1995. It should be stressed that the common point of view is that this Agreement should be interpreted and applied in the context of and in a manner consistent with the Convention.

The International Seabed Authority, in undertaking its tasks, has been making considerable progress in its substantive work, including the drafting of the seabed mining code. The initial draft seabed mining code dealing with the prospecting and exploration of polymetallic nodules was prepared by the Legal and Technical Commission and presented to the Council for its review. In the meantime, extensive drafting work on the other types of minerals found in the area is also going on. These codes will be in accordance with the provisions of the Convention and its annexes, and with the stipulation that the area and the mineral resources thereof are the common heritage of mankind and any activities of exploration and exploitation there must be in the interest of the international community, taking due regard of the interests of the developing countries.

The International Tribunal for the Law of the Sea has been established and has started its operation. Soon after its establishment, the Tribunal took up a case in which it issued its first order, and the judgement thereof was accepted by the parties concerned.

We welcome the approval by the General Assembly of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea, as well as the forthcoming signature of the Headquarters Agreement between the Tribunal and the Government of Germany. More efforts will be needed to elaborate the draft financial regulations of the Tribunal, due to the continued divergence of views

as expressed at the Meetings of States Parties to the Convention.

The Commission on the Limits of the Continental Shelf has held four sessions since its establishment and has made considerable strides in its organizational work and in carrying out its mandate. Among these is the adoption of its rules of procedure. It has been made clear that these rules are adopted to deal only with the procedures of the Commission, and not with the rights and obligations of States. As its mandate relates to the sovereignty and jurisdiction of coastal States over their continental shelves and other maritime areas, the provisions on the functions and activities of the Commission, as well as on its membership, will be in full accordance with the provisions of the Convention and its annexes, and the terminologies and concepts used in the rules will be clarified to that effect.

At the eighth Meeting of States Parties to the Convention, held this year, the budget for the International Tribunal on the Law of the Sea for 1999 was adopted and a Working Capital Fund established. Considerable time was also devoted to the discussion of its rules of procedure and issues submitted to it by the Commission on the Limits of the Continental Shelf.

We support finding ways to enhance further the role of the Meetings of States Parties, particularly in reviewing issues related to oceans and the law of the sea.

The Government of Viet Nam has always strongly supported the United Nations Convention on the Law of the Sea and its annexes. The Convention constitutes a legal framework for national, regional and global activities in maritime areas and on continental shelves and requires the strict observance by States of both its spirit and its letter. It is obligatory, under the Convention, for States to respect, among other things, the sovereignty of other States, their sovereign rights and jurisdiction over their continental shelves and their exclusive economic zones as provided for in the relevant articles of the Convention. States are required, in their activities, declarations or arrangements, to abide strictly by the provisions of the Convention and its annexes.

In commemoration of the International Year of the Ocean, 1998, the Government of Viet Nam has approved a national programme aimed at providing knowledge about and enhancing awareness of the ocean and the law of the sea, the protection of marine resources and the marine environment, the Convention on the Law of the Sea and the relevant laws and policies of Viet Nam. The programme includes activities in such areas as the media, publications, scientific conferences and seminars on such topics as biodiversity, biological resources and the protection of the sea environment. Also included in the programme is the holding in Viet Nam in 1998 of the fourth Scientific Conference on Sea Technology.

With regard to the South China Sea, Viet Nam, while reaffirming its sovereignty over the Hoang Sa (Paracel) and Truongsa (Spratly) archipelagos, consistently advocates that a fundamental and durable resolution be found to these disputes through peaceful negotiation, in order to ensure peace and stability for all countries in the region. Pending such a solution, it is necessary that the parties concerned should maintain the status quo, practise self-restraint, refrain from aggravating the situation, strictly respect international law, particularly the 1982 United Nations Convention on the Law of the Sea, act in accordance with the spirit of the 1992 Manila Declaration and, in the meantime, seek to identify patterns of cooperation acceptable to all sides. This is in line with the all-out efforts by the countries of the region to build relations of good neighbourliness, friendship and cooperation on the principle of mutual respect.

As reflected in paragraph 91 of the Secretary-General's report in document A/53/456, Viet Nam has transmitted to the Secretary-General a noted dated 6 August 1998. I requested the Secretary-General to have that note circulated to the States parties to the United Nations Convention on the Law of the Sea. The note reaffirmed Viet Nam's consistent position relating to the South China Sea.

In conclusion, I would like to further highlight the importance of the comprehensive report presented annually by the Secretary-General under this agenda item. I also wish to welcome the tremendous efforts made by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, as well as by other international institutions dealing with matters relating to ocean affairs and the law of the sea over the past year.

Mr. Yel'chenko (Ukraine): I would like to take this opportunity to confirm the long-standing support of Ukraine for the United Nations Convention on the Law of the Sea. It is one of the most complex treaties ever concluded under the auspices of the United Nations, and although Ukraine has not yet ratified it, it serves as the basis on which Ukrainian maritime policy is carried out.

As a matter of fact, pending formal accession to the Convention, Ukraine has effectively implemented a large number of its provisions in national legislation relating to maritime and environmental issues. In this connection, I would like to reiterate that for Ukraine, ratification of the Convention is a matter of time. Unfortunately, due to certain unpredictable developments that occurred early this autumn, in particular an acute financial crisis in my country, the agenda of the Government and the Parliament of Ukraine was overloaded with urgent political and economic issues which prevented the Parliament from taking action on the Convention before 16 November. We expect that its ratification will be completed by the end of this year.

We fully share the view expressed in the report of the Secretary-General that during this year, proclaimed International Year of the Ocean, the greatest impact of the Convention on the international agenda has been its contribution to raising awareness of the fundamental importance of the oceans to the overall well-being of the planet. The report serves as a powerful tool in our monitoring of overall developments in marine affairs at a global United Nations level, as well as the regional developments and activities of relevant international organizations. Given its oversight role in the area of ocean affairs and the law of the sea, the General Assembly should take a more active part in anticipating areas of concern and devising strategies to address them effectively.

The report justly emphasizes that although the United Nations Convention on the Law of the Sea has brought remarkable stability to relations between States with respect to the oceans by contributing to international peace and security, there is still a need to address certain issues. Among those problems are the smuggling of aliens by sea, illicit traffic in narcotic drugs, piracy and armed robbery and the abandonment of seafarers. The report draws attention to the fact that at a round table on the repatriation of seafarers held in New York on 8 May 1998, organized by the Seamen's Church Institute of the Center for Seafarers' Rights, a number of recommendations were made to deal with the problem of how to ensure that abandoned seafarers would be repatriated, including the creation of a "safety net" fund. We welcome this fruitful initiative of the Seamen's Church Institute.

In this connection, I would like to express our gratitude to the Center for Seafarers' Rights and to the Government of the Russian Federation for their help in releasing this summer 23 Ukrainian crew members from the Maltese merchant ship *Dubai Valour* who had been held hostage in Port Sapele, Nigeria, for almost a year. At the same time, we are still concerned about the fate of the four remaining sailors left behind. The Government of Ukraine addressed several appeals to the Nigerian authorities with a request to intervene and help free the hostages. We still hope that the Nigerian side will make its best efforts to end this painful stalemate and to put a stop to a flagrant violation of the sailors' rights. I would also like to thank the Secretary-General for continuing to use all his authority and influence in order to facilitate the settlement of this problem.

We are pleased to see the further progress in the activities of the three institutions created under the Convention. This year, the Commission on the Limits of the Continental Shelf has completed a significant piece of work and formally adopted its rules of procedure. The scientific and technical guidelines will be applied provisionally, pending formal adoption at the fifth session of the Commission.

We also note with satisfaction that the International Seabed Authority made significant progress in drafting the seabed mining code. We hope that the consideration of this important document, which sets out rules, regulations and procedures for the conduct of activities in that area, will be successfully completed during the coming sessions of the Authority. Let me just add that Ukraine remains fully committed to the purposes and tasks of that international organization, and we will continue to make our contribution to its ongoing work.

In this context, I would also like to reiterate that Ukraine attaches great importance to the work of international judicial institutions, in particular the International Tribunal for the Law of the Sea. It is worth noting that it took only three weeks for the Tribunal to deliver its first judgement, on 4 December 1997 which, following further proceedings, led to the release of the M/V Saiga from detention on 4 March 1998. We consider this judgement to be an important precedent which could lead to the elaboration by the Tribunal of clear and unambiguous rules setting up the grounds for the arrest and detention of vessels. We hope that such rules will ultimately eliminate numerous abuses in this area, including the cases of unfounded arrests of vessels for debts. We believe that for the most part, such arrests do not lead to the effective satisfaction of creditors' claims but rather result in huge financial and moral losses.

In commenting on the issues discussed during the last Meeting of States Parties to the Convention, in particular the proposals regarding the amendments to rule 53 of the rules of procedure for the Meeting, I would like to note that the idea of creating a financial committee as a subsidiary body for budgetary and financial matters deserves further careful consideration in all its aspects. Whatever decision we might take on this question, it is important to bear in mind that the principle of the sovereign equality of States enshrined in the Charter of the United Nations should be strictly followed when drafting the rules concerning the formation of such a committee, as well as the rules governing decision-taking on budgetary and financial matters.

At this session we are also considering developments in the field of conservation and management of living marine resources. As always, we find the relevant reports very useful. They will serve as effective tools in our conduct of research on these subjects.

The issues of fisheries and navigation are extremely important to Ukraine. In managing its long-distance fisheries, Ukraine cooperates with the coastal States on issues of conservation and the rational utilization of living resources. The protection of the marine environment and effective and balanced conservation remain priorities for my country.

The Division for Ocean Affairs and Law of the Sea of the Office of Legal Affairs, by virtue of the special responsibilities of the Secretary-General under the Convention and the oversight role of the General Assembly, is required to review and monitor all developments relating to the law of the sea and ocean affairs. It successfully focuses on the monitoring of State and regional practices and provides information, advice and assistance on the uniform and consistent application of the Convention in many fields of interest and concern for States and for international organizations. We highly appreciate the work of the Division.

Ukraine successfully develops international cooperation in maritime affairs. As indicated in paragraph 459 of the report, an innovative use of ocean space is demonstrated by the world's first floating platform for launching spacecraft, called Odyssey, which was officially unveiled in May 1998. The idea envisages launching space rockets or satellites from a platform moored near the equator, where gravity is much lower than in places where main cosmodromes are located. This is expected to significantly cut the cost of launching spacecraft and allow more useful cargo to be put into orbit. The idea was then put into effect by a commercial project called Sea Launch, implemented by four international corporations from both the private and the public sector: the Russian Federation, Ukraine, Norway — a shipbuilding company called Kvaerner — and the United States — Boeing Corporation.

In the course of the preceding year Ukraine took steps to improve its navigation system. Currently we are in the process of accomplishing a new organizational structure in this area which is expected to be operational in the near future. This work is gaining increasing significance, taking into consideration that the International Safety Management Code became mandatory for many categories of vessels as of 1 July 1998.

My country also supports the efforts of coastal States aimed at improving the conditions of navigation, especially in waterways used for international navigation. It is, however, important to underline that this work should be carried out in a highly cooperative manner, should take into consideration the needs and interests of all States concerned and should be compatible with legal obligations of States arising out of applicable international instruments.

In conclusion, I would like to inform the Assembly that Ukraine is pleased to join in sponsoring the draft resolution on the law of the sea so ably introduced by the representative of Finland.

Mr. Zmeevski (Russian Federation) *(interpretation from Russian):* The Russian delegation attaches great importance to the consideration by the General Assembly of this agenda item, which allows the international community to discuss the most urgent problems of the world's oceans and the law of the sea.

In this connection, I should like to express our gratitude to the Secretary-General for his comprehensive reports, which are a good basis for the successful consideration of a whole set of issues pertaining to the activities of States in maritime space.

This year, which was proclaimed International Year of the Ocean, was marked by further activity of the international community towards the strengthening of the legal regime established by the United Nations Convention on the Law of the Sea.

As is pointed out in the Secretary-General's report, there has been an increase in the number of parties to the Convention. The bodies established under the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have begun their work.

The necessary prerequisites have thereby been created for the effective implementation of the Convention and its unified and consistent application, as well as for strengthening the cooperation of States in the area of the law of the sea.

This is of special significance, first and foremost, in the context of our campaign to ensure peace and security in our world, since the establishment by the Convention of a unified body of law on the world's oceans genuinely contributes to strengthening stability in the world and promotes the development of cooperation among States in the use of the seas and oceans for peaceful purposes.

Russia consistently advocates enhancing the role of the United Nations Convention on the Law of the Sea as an important universal international legal instrument in sea activities, and it supports appeals to States which have not yet done so to become parties to the Convention.

It is increasingly important to ensure strict observance of the provisions of the Convention and to make national legislation consistent with the international legal regime established by this comprehensive document.

We agree with the concern expressed by the Secretary-General regarding cases of national laws being inconsistent with the norms established in the Convention, including, among others, those pertaining to innocent passage and maritime scientific research.

Moreover, we are apprehensive over the discussion in some international organizations of a number of proposals which might result in a revision of the provisions of the Convention on the Law of the Sea, in particular those pertaining to the regime of the exclusive economic zone. For example, such proposals are being put forward in the context of International Atomic Energy Agency discussions of transport of radioactive materials by sea, including through territorial seas, economic zones or lanes used for international shipping; in the context of United Nations Educational, Scientific and Cultural Organization (UNESCO) consideration of the protection of the underwater cultural heritage; and in the context of the International Maritime Organization's treatment of the question of the transport by sea of illegal migrants.

It is important that these and other international forums strive towards a unified and consistent application of the provisions of the United Nations Convention on the Law of the Sea.

In our view, attempts to solve the problems of the law of the sea outside the system of the 1982 Convention will harm the unified legal instrument on the law of the sea.

The Russian delegation believes that this issue deserves constant attention and supports activities — particularly those undertaken by the Division for Ocean Affairs and Law of the Sea — designed to strengthen, under the auspices of the United Nations, the coordination of activities of international machinery in the area of seabed law.

We have already pointed out that the legal regime established by the Convention on the Law of the Sea serves to promote and strengthen stability in the world and the use of the seas and oceans for peaceful purposes. In line with this position, we support the efforts of the international community to combat the escalation of organized crime in maritime space.

Of special concern to the Russian Federation is illicit traffic in weapons and narcotic drugs, as well as illegal transporting of migrants. It is our view that resolute action should be taken to combat piracy and armed robbery. We welcome the increased efforts to combat transnational organized crime, in particular steps undertaken by the International Maritime Organization to disseminate information on cases of piracy.

The Russian Federation attaches great importance to the resources and machinery for the peaceful regulation of disputes among States which have been provided for by the Convention on the Law of the Sea.

In prior years, the attention of the international community was, to a significant extent, focused on the need for the speedy establishment and the effective functioning of the International Tribunal for the Law of the Sea. As the Secretary-General's report points out, efforts of States in this regard have led to a positive outcome, as the International Tribunal for the Law of the Sea has demonstrated in particular by its decisions with

regard to the dispute between Guinea and Saint Vincent and the Grenadines over the oil tanker M/V Saiga.

I would like to recall that the 1982 Convention also includes arbitration and conciliation among the mechanisms for the resolution of disputes through peaceful means. Unfortunately, as we see it, these means for the settlement of conflict issues have not yet received due recognition from States that are parties to the Convention, in spite of the considerable potential of those means.

In this connection, the Russian delegation believes that the provisions of the draft resolution contained in document A/53/L.35 are extremely urgent and timely. That draft resolution draws the attention of States parties to the Convention to the possibility of a peaceful settlement of disputes related to the seas, not only through the International Tribunal for the Law of the Sea, but also through the use of arbitration and conciliation procedures.

We agree with the appraisal given in draft resolution A/53/L.35 of the report of the Independent World Commission on the Oceans. That report might be a good basis for further work on a number of urgent problems within the framework of the regime established by the United Nations Convention on the Law of the Sea.

In connection with the sub-item entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments", I would like to stress that the 1995 Fish Stocks Agreement, the Code of Conduct for Responsible Fisheries, Agenda 21 and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas are important for the preservation and management of living sea resources.

We also support the provisions of General Assembly resolution 46/215, calling for the observance of a moratorium on large-scale pelagic drift-net fishing on the high seas. We note with concern the reports of activities that are not in compliance with the global moratorium on large-scale pelagic drift-net fishing. The Russian Federation does not conduct any kind of commercial drift-net fishing and favours the further expansion of efforts by the international community to preserve and manage living sea resources.

Russia, as a major sea Power, attaches great significance to activities having to do with the oceans and is prepared to continue to be active in the efforts to improve global cooperation in the exploration and use of maritime space and to further strengthen the international legal regime established by the United Nations Convention on the Law of the Sea.

Ms. Grčić Polić (Croatia): The Croatian delegation joins others in thanking the Secretary-General for his report on this agenda item. This is a thorough, truly comprehensive report. In its review and evaluation, the report spans all relevant developments and the implementation of the Convention on the Law of the Sea — from States' practice to the work of the international institutions established by the Convention. It thereby brings the entire international community's attention to the most important events in the field of the law of the sea in the past year. My delegation invites the United Nations to carry on with its central role of facilitating the effective implementation of the Convention and bolstering international cooperation in this field. We also recognize the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat for both its outstanding expertise and its dedication.

Croatia welcomes the substantive progress made by the institutions established under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. In particular, my delegation is pleased to note the significant headway made in drafting a seabed mining code. The draft text constitutes the first part of a comprehensive mining code, which is of the utmost importance for the establishment of an overall legal framework for the exploration of polymetallic nodules. Croatia supports all initiatives taken by the Authority that are aimed at assessing environmental impacts arising from the exploration of deep seabed polymetallic nodules.

In this context, we commend the June 1998 workshop organized by the Authority, in cooperation with the Government of China, on the development of guidelines for such an assessment. Croatia believes that, on balance, in achieving sustainable development the Authority's work should be guided more by the imperatives of long-term protection of the most endangered parts of our common heritage on earth than by short-term concerns of cost-effectiveness.

Croatia welcomes the entry into force of the Relationship Agreement between the United Nations and the International Seabed Authority, as well as the

conclusion of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea. My delegation hopes that the conclusion of headquarters agreements by the Authority and the Tribunal with the Governments of their respective host countries will follow soon.

Croatia acknowledges with satisfaction that the International Tribunal for the Law of the Sea is fully operational and that it demonstrated satisfactory efficiency in dealing with its first case. The Tribunal delivered its judgement only three weeks after the filing of the application. The Commission on the Limits of the Continental Shelf completed its rules of procedure and is about to adopt the guidelines for assistance to coastal States in preparing their submissions regarding the outer limits of their continental shelves. Croatian experts were elected to both of these institutions, reflecting the interest and importance that Croatia, as a country with a long maritime tradition, assigns to the law of the sea. Croatia will continue to lend its full support to these institutions.

In our statement delivered in this very Hall last year, we provided the General Assembly with elementary information on Croatia's activities in the implementation of the oceans regime established by the United Nations Convention on the Law of the Sea. Since then, the necessary national procedures for signing and subsequently ratifying the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea and the corresponding Protocol for the International Seabed Authority were initiated by the Croatian Government.

Many of the maritime activities undertaken by Croatia, as well as its consistent implementation of the 1982 Convention, have been determined by its geographical position. With a coastline along the Adriatic Sea — a semi-enclosed sea — Croatia represents a transit country for several landlocked States in the region. Croatia closely cooperates with neighbouring States in the protection, exploration and exploitation of the Adriatic Sea. Cooperation in respect of protecting and preserving the marine environment of the Adriatic is particularly intensive and fruitful with Slovenia and Italy.

For centuries, the territory of Croatia and its maritime ports have continually been used for transit traffic to and from several neighbouring landlocked countries and are currently used by Hungary, Austria, Slovakia and the Czech Republic. Following the dissolution of the Socialist Federal Republic of Yugoslavia, some of the States emerging from its territory have faced the same problem as the landlocked countries. Bosnia and Herzegovina, although bordering the Adriatic Sea, does not have a maritime port that could be used for commercial purposes. Croatia has enabled this neighbouring State not only to utilize the Croatian port of Ploce, but also to benefit from the upcoming establishment of a free and foreign trade zone in this port. To that end, Croatia has reached an agreement with Bosnia and Herzegovina on free transit through the territory of Croatia to and from the port of Ploce. The agreement was signed the day before yesterday in Zagreb. It is Croatia's sincere hope that it will be ratified by both States as soon as possible; meanwhile, it will be applied provisionally. In this agreement the two States have taken advantage of the competent institution established under the 1982 Convention by entrusting the President of the International Tribunal for the Law of the Sea with the task of nominating the President of the Commission set up by the agreement, under which the Commission serves as a final decision-making and appellate body. That provision will further boost the Tribunal's status within the international legal order.

Notwithstanding the progress achieved on these issues, others related to law of the sea remain to be resolved among the successor States of the former Yugoslavia. They principally pertain to the sea-boundary delimitation. Croatia strongly holds that these issues must be settled in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea, utilizing, if necessary, the Convention's dispute settlement procedure. As the federal units of the former Yugoslavia, the successor States had legally defined land borders among themselves only. Following the dissolution of the former federation, those borders became their international borders, in accordance with the principle of *uti possidetis*. However, no maritime borders had ever been established among the former federal units. The only existing maritime border at that time had been the international border of the former Yugoslavia with Italy and with Albania.

For the time being, there are no defined sea borders between Croatia and Slovenia nor between Croatia and the Federal Republic of Yugoslavia. On the one hand, negotiations with Slovenia commenced — in a spirit of good-neighbourly relations — almost immediately following the dissolution of the former Yugoslavia. Those with the Federal Republic of Yugoslavia, on the other hand, started only recently and have already been hampered by the unfounded territorial claim by the

Federal Republic of Yugoslavia on the Croatian peninsula of Prevlaka. Negotiations with the Federal Republic of Yugoslavia on the delimitation of the territorial sea and continental shelf can produce results only when the Federal Republic of Yugoslavia does all of the following: renounces its groundless territorial claim, demonstrates respect for international law, and consequently starts to honour Croatia's existing internationally recognized borders. Respect for Croatia's international borders constitutes an international legal obligation of the Federal Republic of Yugoslavia under the Agreement on Normalization of Relations between the two States, Security Council resolutions and other relevant rules of international law.

In conclusion, let me express Croatia's appreciation for the role of the United Nations in assisting the implementation of the 1982 Convention and the overall evolution of the international law of the sea. Indeed, this remains one of the most important areas of law in many respects. It remains fundamental for the maintenance of peace and security, and it reigns supreme in the preservation of the common heritage of mankind. It also plays an indispensable role in ensuring the sustainable exploitation of the oceans and thereby guaranteeing economic development.

Mr. Powles (New Zealand): At the outset, my delegation would like to associate itself with the statement already made by Ambassador Nakayama on behalf of the delegations of the Federated States of Micronesia, Australia, Fiji, Marshall Islands, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands and Vanuatu.

New Zealand considers that the General Assembly's annual consideration of the item entitled "Oceans and the law of the sea" is of vital importance. At present the General Assembly's debate is the only place in the international system where Governments are in a position to review the question of oceans and the law of the sea in an integrated and comprehensive manner and take stock of both the problems which are occurring and the progress which has taken place over the last year.

Clearly it is crucial that our approach to the oceans be a comprehensive and integrated one. The essential unity of the oceans demands this. The recognition of this unity — "that the problems of ocean space are closely interrelated and need to be considered as a whole", as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea — was one of the key elements behind the negotiation of the Convention, a comprehensive and integrated legal order for the seas and oceans.

The significance of the oceans needs little introduction. Making up approximately 71 per cent of the world's surface, they are vital to our lives, our future and the future of the generations that follow us. As the report of the Independent World Commission on the Oceans, *The Ocean ... Our Future*, has reminded us, all life on our planet is dependent upon the oceans. They provide us with food, energy and water, and they sustain the livelihoods of hundreds of millions of people. They are the main highways of international trade as well as the stabilizer of the world's climate.

It is appropriate that in this year, the International Year of the Ocean, the General Assembly should take stock of the state of the oceans. We should assess how far we have come in realizing the goal of protection and sustainable development of the marine and coastal environment and their resources, a goal that was universally acknowledged by the international community in the Rio Declaration on Environment and Development in 1992.

In this context we commend the two reports of the Secretary-General prepared for this agenda item: the general report on oceans and the law of the sea and the second report, which gathers together information on a range of fisheries issues, entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments". We consider that these two reports play an important role in bringing together information which is not available in a single source elsewhere.

The report on oceans and the law of the sea, in particular, provides a broad and far-reaching summary of oceans issues over the past year, covering the current status of the United Nations Convention on the Law of the Sea and its subsidiary agreements, the work of Convention institutions and the Meeting of States Parties, as well as the state of play regarding a range of very important issues such as peace and security, navigation, development and management of marine resources and the protection of the marine environment. We urge States to continue to provide information to the Secretariat for inclusion in the reports and to make the reports widely available to interested agencies and groups in their countries.

If we look back over the achievements since the Rio Declaration, there have been a number of very concrete and significant developments towards the international community's goals. Most significant is the entry into force of the United Nations Convention on the Law of the Sea in 1994 and its increasingly wide acceptance since that time. As acknowledged by the Rio Declaration, the Convention provides the legal framework and international basis upon which to pursue the protection and sustainable development of the oceans. The adoption of the 1995 Fish Stocks Agreement, which builds on and strengthens the Convention provisions on conservation of straddling and highly migratory fish stocks, was another significant development.

In addition, there are many examples of States taking action, especially at the regional level, to implement aspects of the Convention and to cooperate in conservation and management regimes. In our own region, the South Pacific, work has been under way over the last two years on the negotiation of a fisheries management regime for tuna in the western and central Pacific. These efforts on the part of both coastal States and distant water fishing nations recognize the importance of the stocks for the development of the region. The negotiating parties have a unique opportunity, before the stocks come under serious pressure, to give effect to the Fish Stocks Agreement and to incorporate the principles on which it is based, such as the precautionary principle, the principle of cooperation, and promotion of the long-term conservation and sustainable use of the stocks.

However, it is clear that the international community is still a long way from achieving its goals for the oceans, particularly in the areas of protection of the environment and conservation of the marine living resources. The problems being experienced are of immense proportions, and the consequences, both environmental and economic, if the international community fails to grapple effectively with them will be severe and will impact not only on the current generation but also the generations that follow.

Fisheries management efforts continue to fall short of protecting the resources from overexploitation. The Food and Agriculture Organization of the United Nations (FAO) has reported that worldwide 60 to 70 per cent of all fish stocks require urgent intervention to control or reduce fishing in order to avoid further decline of fully exploited or overfished resources and to rebuild depleted stocks. Overfishing has severely impacted prized species like tuna, cod and swordfish. Harmful fishing practices are causing a shameful level of fish discards and an unacceptably high level of incidental catch of sharks, marine mammals, turtles and seabirds. Every year about 20 million tons of fish are being discarded by commercial fishers. Fishing activities continue to take place in contravention of the applicable regional conservation regimes, and States are not meeting their obligations under the Convention to control the activities of their flag vessels and nationals.

The evidence is that the international community's efforts are also failing to keep in check problems of pollution of the marine environment, in particular those caused by land-based sources. The oceans are being ravaged by an ever-increasing amount of pollutants, including persistent toxins in the form of industrial discharge, waste water and pesticides; sediment caused by erosion from mining and coastal development; nutrients as a result of run-off from sewage, farming and forestry; oil from industry, shipping and off-shore oil drilling; and plastics discarded from fishing vessels, cargo ships and cruise liners. Land-based sources of pollution are of particular concern, as they are responsible for more than three quarters of all marine pollution. The Secretary-General's report notes the conclusion of a recent expert meeting on the scientific aspects of marine environmental pollution that, despite some localized successes, degradation of the oceans continues on a global scale and sound sustainable management of the oceans and coasts remains the exception rather than the rule.

So what is the responsibility of the international community and the United Nations in the face of these warnings? In the view of the New Zealand delegation, the need for a more active and coordinated approach at the global level is becoming manifest.

We must be cautious about any suggestions that the international legal framework set up by the United Nations Convention on the Law of the Sea is itself weak or inadequate, as this is definitely not the case. The legal order established by the Convention provides a balanced, sound and comprehensive framework for the governance of the oceans. However, the creation of the legal order is only the first step. To be effective it must be implemented uniformly and enforced consistently, its institutions must be supported, and the subsidiary processes envisaged under the Convention likewise must be carried out and implemented.

It is evident from the report of the Secretary-General and other reports on the subject that a great amount of the work envisaged in the Convention is

already taking place: in FAO, the United Nations Educational, Scientific and Cultural Organization, the International Maritime Organization, other United Nations specialized agencies, the United Nations Environment Programme, regional fisheries conservation and management regimes, the International Whaling Commission and the International Seabed Authority. Relevant projects are being funded by an equally wide range of sources, including the United Nations Development Programme, multilateral banks, bilateral donors and private foundations.

Much of this work is being done on the regional and subregional level, which clearly is appropriate as it is on this level that action is most likely to be effective. The international community must search for greater coordination of these efforts so as to ensure they are being put to the best use and that they are directed to achieving consistent and coherent results. This requires better coordination and monitoring at the global level. At present there are many diverse agencies and organizations, both governmental and non-governmental, grappling with oceans issues at the national, regional and global level. What is required, we believe, is an integrated approach that coordinates these efforts and ensures in doing so that the different perspectives — legal, environmental, developmental and economic — are all brought into play.

There is a growing awareness of a need to find an improved forum for coordination of global action on oceans. The Secretary-General notes in the introduction to his report that the Law of the Sea Convention provides the framework for dealing with the problems facing the oceans and, given its wide acceptance, has the authority to do so. However, as the Secretary-General also acknowledges, if the objectives of the Convention are to be realized, the General Assembly, which has oversight over oceans affairs and the law of the sea, will be called upon to take a more active part in oceans governance, anticipating areas of concern and devising strategies to address them effectively within this framework.

The Commission on Sustainable Development will consider "oceans and seas" as a sectoral theme in its 1999 session, under the chairmanship of the New Zealand Environment Minister, the Honourable Simon Upton. The results of this review will in turn be considered by the General Assembly next year under this agenda item. The International Year of the Ocean has provoked considerable debate about the future of oceans governance, both within Governments and in the wider international community interested in oceans. It is hoped that this debate can be picked up and carried on in more depth in the Commission on Sustainable Development, with a view to reaching a consensus on the best way forward. In order to ensure that this debate is meaningful and productive, it is important that there be wide participation from all relevant sectors of the international community and that people coming from all the different perspectives — legal, environmental, economic and developmental — are all involved in the preparations.

Mr. Benítez Sáenz (Uruguay) (*interpretation from Spanish*): For my delegation the item on "Oceans and the law of the sea" in all its aspects has always had special importance. Our geographical location, the importance of fishing and the preservation of the marine environment have been one of the priority issues of our foreign policy.

Our firm commitment to respect for international law has led us to participate actively in this field, particularly in the negotiations of the Third United Nations Conference on the Law of the Sea. We consider the United Nations Convention on the Law of the Sea one of the historic achievements of this Organization, and we attach particular importance to the continuing support of the international community for the various organs created by the Convention.

For these reasons we have carefully analysed the report submitted by the Secretary-General in document A/53/456, in compliance with resolution 52/26. We would like to thank the Secretary-General and the staff of the Secretariat for this extensive and detailed report. With their usual skill and dedication, they have given us an overview of this item.

The culmination of this year, 1998, which has been proclaimed the International Year of the Ocean, finds us in a situation where we must become more universally aware of the importance of the oceans and the need to preserve them and utilize them in accordance with the provisions of the United Nations Convention on the Law of the Sea. We believe it to be particularly important to have this issue discussed at the seventh session of the Commission on Sustainable Development, to be held in 1999.

In this connection, we would like to emphasize and express thanks for the work done by the Independent World Commission on the Oceans, chaired by the former President of the Republic of Portugal, Mr. Mário Soarès. By respecting the legal framework of the United Nations Convention on the Law of the Sea, this Independent

Commission, made up of eminent personalities from all regions, is making considerable efforts to promote the utilization of the oceans for peaceful purposes, promoting research of the oceans with a view to their preservation and rational exploitation and trying to foster public awareness and participation in all ocean-related aspects.

My delegation would like to encourage the Independent Commission to continue its efforts, and we underline the importance of including reference to its report, entitled *The Ocean ... Our Future*, in the General Assembly draft resolution on this item, which was coordinated with skill and dedication by the delegation of Finland.

There is one subject that arouses our special interest and concern: the loss of the provisional membership by various States that until 16 November of this year were members of the International Seabed Authority, which administers the resources of the area that are the common heritage of humankind. We believe that the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea provided a broad-based machinery to allow for and facilitate universal participation in the organs created by the Convention; but when their terms were up, as we can see from paragraph 24 of the Secretary-General's report, 11 States lost their provisional membership. As we see it, this does harm to the work of the Authority, which thus loses some of its members, and it worsens the financial situation of the Authority.

At a time when the Council of the Authority is in the process of considering a draft seabed mining code, and having adopted the work plans for exploration by the seven registered pioneer investors, we believe that the Authority should be strengthened rather than weakened through the loss of some of its members. We hope that this situation can be resolved and that the process of universalizing of the Convention will continue.

To balance what we have just said, my delegation would like to welcome the European Community, which became a party to the Convention on 1 May of this year and, consequently, also joined the International Seabed Authority.

We are following with keen attention the activities conducted by the International Tribunal for the Law of the Sea, now established and made up of eminent jurists, which has already shown its effectiveness in the speedy and positive resolution of the dispute on the release of the oil tanker M/V Saiga. We understand that the work of the Tribunal is essential in order to continue the progress and consolidation of the new law of the sea.

My delegation would like once again to state its concern with regard to one of the matters that we believe should be of concern to the United Nations and other international bodies: the transport of radioactive material, including nuclear waste. We cannot allow the movement of such lethal cargoes near our coasts under the protection of the freedom of navigation on the high seas. The fishing wealth is under our jurisdiction and the free natural marine currents are not subject to the limitations imposed by man; and in case of an accident on the high seas, many States would be harmed immediately by the actions of other States that must be controlled by the international community in this regard. We are prepared to contribute in every way possible to ensure that this does not continue. In this connection, paragraph 341 of the report we are considering mentions some of the efforts made at the regional level, which we hope will be broadened and become universal.

Finally, we would like to stress the importance we continue to attach to resolutions 52/29 and 51/36, on the global moratorium on large-scale pelagic drift-net fishing, in order to promote and facilitate international cooperation to guarantee sustainable development and utilization of the living resources of the sea. In this connection, our view is that there is a need to continue work on the establishment of worldwide principles and codes of conduct that will ensure the use of reasonable fishing practices with a view to conservation, management and development. Some of these practices were adopted in Agenda 21 by the United Nations Conference on Environment and Development.

Mr. Tello (Mexico) (*interpretation from Spanish*): I would like to thank the delegations of Finland and the United States for having introduced and coordinated the negotiation of draft resolution A/53/L.35, on oceans and the law of the sea, and draft resolution A/53/L.45, which deals with large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments.

We would also like to thank the Secretary-General for having prepared the reports contained in documents A/53/456 and A/53/473. We see once again that these annual reports are of high quality; they provide a

comprehensive and general view of the state of ocean affairs and the law of the sea.

Although we note that the electronic versions of the reports have been available for some weeks, we continue to believe that they should be published, either electronically or in document form, early enough to allow States time to consider with greater care the substantive information they contain. We believe that this could help improve the consideration of the item and thus facilitate better articulation between the issues raised in the reports and the corresponding actions of the General Assembly on these matters.

We note with satisfaction that the number of States parties to the United Nations Convention on the Law of the Sea continues to increase. There are 130 today, and we continue steadily to approach the goal we have set of the universal application of the law of the sea. We hope that the number of parties will continue to increase. Though we would not neglect our efforts to achieve universality, we believe that it is also necessary to focus our attention on the uniform application of the Convention. The basic importance of oceans to the development of States makes it indispensable for us to ensure that the regime contained in the Convention is implemented comprehensively.

Mexico has adopted a number of domestic measures in compliance with its obligations as a State party to the Convention. Today, we have a wide range of legislation faithfully reflecting the Convention's provisions. We are carrying out the work necessary to comply with the obligation to give due publicity to charts and lists of geographical coordinates relating to straight baselines and maritime areas. We are also in the process of selecting means to resolve disputes hinging on the interpretation and implementation of the Convention and to appoint arbitrators and conciliators.

Mexico has begun action necessary to submit for consideration to the Senate of the Republic the Implementation Agreement on Part XI of the Convention. We hope that Mexico will be able to accede to that instrument in the near future. In the meantime, we continue to participate as a full member in the work of the International Seabed Authority.

The institutions established by the Convention have made considerable progress towards full operation. The International Tribunal for the Law of the Sea is hearing its first case, and the work of the Commission on the Limits of the Continental Shelf and the International Seabed Authority will soon give us the seabed mining code and scientific and technical guidelines aimed at assisting coastal States to prepare their submissions regarding the outer limits of their continental shelf. We welcome this progress, which is undoubtedly paving the way to full implementation of the Convention.

With respect to the issue of fishing, my delegation wishes to reiterate the Government of Mexico's commitment to developing responsible fishing practices based on the sustainable use of fishing resources. In this regard, and in compliance with the provisions of resolution 52/29, Mexico has drafted very effective programmes to reduce by-catch in commercial fisheries. In the specific case of the by-catch of dolphins in tuna fishing, we have achieved a 98 per cent reduction in the past 10 years through the use of new equipment and manoeuvres and by monitoring all fishing expeditions. Similarly, excellent results have been achieved in reducing the by-catch of sea turtles in shrimp fishing by using excluding devices throughout the entire Mexican shrimp fleet.

Similarly, as testimony to its desire for proper fishing management, Mexico signed the Agreement for the International Dolphin Programme, which is already under consideration by the Senate of the Republic. We have initiated the process of rejoining the Inter-American Tropical Tuna Commission. Thus, we reaffirm our belief that it is by means of international law and multilateral mechanisms that we must address issues of by-catch and fishing management.

As to the integration of Food and Agriculture Organization of the United Nations (FAO) plans of action, we believe that these should be designed to obtain the following results.

First, with regard to fishing capacity, recommendations should be issued allowing for the strengthening of international cooperation to assess the size of fleets and adapting them to sustainable fishing. Secondly, with regard to shark fishing, general guidelines should be adopted for its appropriate management and be used as the framework for the formulation of national plans. Thirdly, with regard to by-catch of seabirds, we must compile information in order to understand the true situation, exchange experience and ensure the adoption of commitments by all countries in order to implement measures to reduce that kind of catch.

Next year, the Commission on Sustainable Development will hold its seventh session. This will be its third opportunity to take up the issue of oceans and seas of all kinds, not only with six years of experience in dealing with the outcome of the Rio Summit, but also with two decisions, two reports of the Secretary-General on chapter 17 of Agenda 21, and the database put together by the Secretariat based on the information supplied annually by our Governments. It is in this context that we received with keen interest the report of the Independent World Commission on the Oceans, headed by President Mário Soarès. We are convinced that this report will be highly useful in the discussions in the Commission on Sustainable Development.

My delegation believes that the work of the Commission on Sustainable Development at its seventh session on oceans must be two-fold. First, it must conduct a comprehensive analysis and assessment of chapter 17, which will include identifying obstacles, making recommendations and agreeing on a timetable and modalities for the review. Secondly, ways and means must be considered to make better progress in achieving the identified priorities. To that end, the work of the Commission at its seventh session will have to be carried out in the framework of the United Nations Convention on the Law of the Sea and the results and progress obtained to date, in accordance with paragraph 36 of the Programme for the Further Implementation of Agenda 21.

Mrs. Mekhemar (Egypt) (*interpretation from Arabic*): Allow me at the outset to thank the Secretary-General for the very complete report under agenda item 38 (a) on oceans and the law of the sea, contained in document A/53/456. We would like to emphasize the importance of the role of the Secretary-General with regard to this agenda item, especially the importance of his responsibilities flowing from the United Nations Convention on the Law of the Sea with regard to the Division for Ocean Affairs and the Law of the Sea and the submission of the annual and comprehensive reports.

The report which we are considering today has a special importance, as it deals, *inter alia*, with the International Year of the Ocean. During this period, many important events were recorded with regard to the legal regime, established by the United Nations Convention on the Law of the Sea in 1982, which is one of the world's most important international conventions concluded in modern times. Its entry into force in 1994 helped to consolidate the legal system which it established, a system implemented even before completion of the adoption of its final text in 1982. The best evidence of the importance attached by the international community to the Convention is the increase in the number of States acceding to it every year, until the number of the States parties to it has now reached nearly 130. In this connection, we call upon the members of the international community that have not yet done so to accede to the Convention. Moreover, we urge the States parties to the Convention to submit the required declarations on the settlement of disputes, in accordance with articles 287 and 298, since the number of States which have done so is still low.

During this year, the institutions created under the Convention are the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. Thus, these institutions have emerged from the establishment stage to the functioning stage and have begun to carry out their responsibilities. Egypt has taken an active part in efforts leading to their creation. This prompts us to call on the international community to embark on implementing the legal system established under the Convention through the application of the appropriate provisions at the national level.

I would like to express our pleasure upon noting the remark by the Secretary-General in his report with regard to the growing trend on the part of States to adopt national strategies for the seas based on the principle of integrated management, which we perceive as helpful in the creation of effective decision-making systems at the national level on this matter. In this context, we would like to reaffirm the importance of preserving marine resources, and that protection of the marine environment is a collective responsibility devolving upon the international community as a whole. We hail the International Seabed Authority for its efforts last year in preparing the mining code for the exploitation of the seabed. We hope that at the Kingston meeting in August 1999 the experts will be able to finalize the seabed mining code, which would be of great importance for establishing the basis for exploitation of the seabed in a manner which ensures the preservation of mankind's common heritage of natural resources.

According to the report, crimes at sea involving trafficking in drugs, goods and persons and piracy have increased, which requires us to be vigilant. In this regard we pay tribute to the special commission established by the Economic and Social Council in a resolution at its July 1998 substantive session and charged with the

preparation of a comprehensive international convention against organized transnational crime. We hope this commission will complete its work successfully, in view of the contribution to be made under the Convention to combatting these crimes and putting an end to them altogether.

Current studies show that despite growth in fisheries productivity, it will not be possible to satisfy future needs for fish resources without better administration of sea and ocean resources. The current system will be unable to protect fish resources from over-exploitation because of the absence of political will on the part of certain States to respect special fishing agreements related to size and procedure. We call upon those States to respect the 1995 Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries, as well as the special trade rules regarding seafood production.

As regards the degradation of the marine environment, despite the fact that the report of the joint group on this matter, which mentions achievements at the local and national levels in reducing the dumping of hydrocarbons and waste, we regret to see ongoing pollution of the marine environment generally because of the disposal of various nuclear and other dangerous and toxic wastes which are pollutants. We take account of what the Director-General of the United Nations Environment Programme stated, to the effect that sustainable development cannot be separated from finance. Thus, we eagerly look forward to the conclusion in 1999 of consideration by the Commission on Sustainable Development of all aspects of the seabed in the context of a periodic report. For its part, Egypt has adopted important measures to preserve the marine environment and to protect it through national legislation and decisions concerning the environment and by declaring certain areas nature refuges.

Egypt attaches special importance to underwater cultural heritage, and we support the efforts of the United Nations Educational, Scientific and Cultural Organization to prepare an international instrument as quickly as possible to safeguard this heritage, while taking into account the interests of coastal States. We hope that the UNESCO Director-General will submit his draft to the UNESCO General Conference next year, particularly in view of technological progress which makes it possible to easily find and recover valuable archaeological items, even those in very deep waters.

Mr. Lee See-young (Republic of Korea): At the outset, my delegation wishes to express its appreciation to the Secretary-General and the Secretariat for the comprehensive and informative reports on agenda item 38, contained in documents A/53/456 and A/53/473. These annual reports offer us an excellent basis for an in-depth and integrated review of all developments relating to ocean affairs and the law of the sea.

The Republic of Korea has long attached particular importance to all matters relating to ocean affairs and the law of the sea. My Government actively participated in the process leading to the adoption of the United Nations Convention on the Law of the Sea in 1982 and the establishment of all relevant organs under the Convention. The United Nations Convention and the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea truly embody all the essential documents governing the new maritime order for the international community.

We therefore note with satisfaction that the number of States parties to the Convention and the Agreement has increased considerably since last year, demonstrating the fundamental importance of the Convention and the Agreement for the peaceful order of the oceans. We wish to urge those States which have not yet done so to join the Convention and the Agreement as soon as possible with a view to achieving universality of this important legal regime.

We note with satisfaction the establishment and full operation of the institutions envisaged in the Convention on the Law of the Sea, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. My Government reaffirms its commitment to the objectives of the Convention and its full support for a most effective and efficient operation of these institutions.

My delegation is especially pleased to note the rapid progress made so far by the International Seabed Authority. Since the Protocol on the privileges and immunities of the Authority was opened for signature in August this year, representatives of seven countries have signed it, and my Government is now taking steps to do so very soon. As a member of the Authority's Council, my country has been participating actively in all aspects of its work. For example, a training programme proposed by my Government was approved, and four candidates were selected during the second part of the Authority's fourth session, held in August this year in Kingston.

We will continue to do our best to fulfil our obligations as a registered pioneer investor and to contribute to the exploration and exploitation of the area. We are also pleased to note the progress made in the drafting of regulations on prospecting and exploration for polymetallic nodules in the area. We wish to highlight the need for a balanced approach to the management of the world's marine mineral resources. Such an approach will help encourage countries to invest in deep seabed mining. Moreover, the mining code should be drafted in strict conformity with the letter and the spirit of the 1982 United Nations Convention on the Law of the Sea. We hope that the mining code will also be finalized by the next session of the Assembly of the Authority, in Kingston next year. I take this opportunity to commend the Secretary-General of the Authority, Mr. Satya Nandan, for his leadership in successfully meeting the tremendous challenges facing that Organization.

My delegation notes with satisfaction that after the adoption of General Assembly resolution 52/251, a formal relationship was established between the United Nations and the International Tribunal for the Law of the Sea in September of this year. With the entry into force of the Relationship Agreement, the Tribunal has become part of the United Nations system for the peaceful settlement of disputes laid down in the Charter. Since the Tribunal's first judgement in December of last year, ordering the prompt release of the oil tanker M/V Saiga and its crew from detention in the Republic of Guinea, the Tribunal has further developed its operational features and has begun its substantive work on the case. We trust that the Tribunal will continue to strengthen its role as an effective international judicial organ dedicated to resolving maritime disputes.

We are also very pleased that the fourth session of the Commission on the Limits of the Continental Shelf, held at United Nations Headquarters in September of this year, has adopted its rules of procedure. We hope that the scientific and technical guidelines adopted provisionally by the Commission will finally be adopted at its session next year.

My delegation also appreciates the legal opinion presented by the Legal Counsel on the applicability of the Convention on the Privileges and Immunities of the United Nations to the members of the Commission, contained in document CLCS/5. We hope that allegations of breaches of confidentiality among the members of the Commission will be addressed in line with this legal opinion.

In an effort to secure the domestic application of maritime rights and interests of coastal States, as provided in the 1982 Convention, my Government has continuously enacted and implemented its own domestic laws with regard to maritime space. In December 1995, my Government amended and promulgated its Territorial Sea and Contiguous Zone Act, setting up the contiguous zone in the area of the sea up to the outer limit of 24 nautical miles from the baseline. In accordance with the relevant provisions of the Convention, the Exclusive Economic Zone Act was also promulgated in August 1996.

More recently, the Governments of the Republic of Korea and Japan successfully negotiated and initialled a fisheries agreement this past October, superseding the Agreement on Fisheries of 1965. One week ago, another fisheries agreement was also agreed upon and initialled between my country and the People's Republic of China. With a view to concluding delimitation agreements on the exclusive economic zones in the overlapping sea areas, my country is conducting negotiations with China and Japan, respectively.

As we approach the new millennium, we are constantly reminded that oceans have become frontiers with a myriad of potentials that must explored with caution. In the course of our explorations, we will encounter innumerable challenges, as well as tremendous opportunities. The rapid development of science and technology has allowed us to rely more than ever on living and non-living marine resources. In order to benefit in the long run from these resources, the protection and preservation of the marine environment and the sustainable use of marine resources are an absolute necessity. Indeed, this difficult task is a serious challenge to us, not only for our own generation, but also for the sake of posterity. Hence, it is incumbent open all the responsible members of the international community to cooperate and collaborate as closely and effectively as possible to ensure an effective conservation and management of marine resources.

In conclusion, let me reiterate the firm commitment of my Government to the principle of cooperation under the Convention on the Law of the Sea. I also wish to assure the Assembly of my Government's willingness to continue its contribution to the enhancement of the orderly and sustainable development of the oceans in a spirit of mutual understanding and cooperation, as enshrined in the Convention.

Miss Ramoutar (Trinidad and Tobago): I would like to convey our deep appreciation to the Secretary-General for the very comprehensive reports on the agenda item entitled "Oceans and the law of the sea". We would also like to place on record our gratitude to the Director and staff of the Division for Ocean Affairs and the Law of the Sea for their excellent work, as well as their assistance and support to delegations.

The Trinidad and Tobago delegation fully endorses the statement delivered earlier today by the representative of Jamaica on behalf of the Caribbean Community, and would like to address briefly some areas of the Secretary-General's report.

As an archipelagic State which is dependent on the marine environment for the support of some of its main industries, Trinidad and Tobago attaches great significance to its obligations under the 1982 United Nations Convention on the Law of the Sea. Trinidad and Tobago became a party to the Convention on 25 April 1986 and has, at the national level, enacted legislation in respect of many provisions of the Convention to facilitate compliance with those international obligations, and we will continue this process.

We welcome the positive developments in the law of the sea, including those in respect of the international institutions established by the Convention. Trinidad and Tobago continues to follow closely the work of the International Seabed Authority on the draft mining code elaborated by the Legal and Technical Commission during the third session of the Authority. The structure of the deliberations of the Council in its review of the draft mining code has permitted all members to voice their concerns. This is reflective of States' commitment to a constructive debate. It is encouraging that the main concerns of developing States have been raised in these discussions, such as environmental protection and preservation, confidentiality issues and training obligations. We note that the Council of the International Seabed Authority will continue its review of the draft mining code on a priority basis and look forward to substantial progress and the finalization and adoption of the code next year. Trinidad and Tobago will continue its cooperation with the members of the Authority to achieve a balanced and comprehensive mining code, one in which the interests of all parties are balanced.

The workshops to be convened by the Authority on minerals other than polymetallic nodules found in the area, and on technologies for the exploration and exploitation of these nodules and for the protection of the environment are significant and appropriate in the light of new developments in this area and the concerns of member States. The benefits that developing countries will gain from these training programmes will equip their experts to contribute in a more meaningful manner to international dialogue and to developments in these areas of vital interest to them.

Trinidad and Tobago signed the Protocol on the privileges and immunities of the International Seabed Authority on 17 August 1998, when it was opened for signature in Kingston. We also note progress in other areas, including the Relationship Agreement between the United Nations and the Authority. We look forward to the completion of the process necessary to ensure the entry into force of the Headquarters Agreement as soon as possible.

We wish to commend the Secretary-General of the Authority, Ambassador Satya Nandan, and his dedicated staff for the efficient and cost-effective manner in which they have conducted their work, despite having to labour under serious financial constraints. Trinidad and Tobago pledges its continued full cooperation with the Authority in all aspects of its work.

The International Tribunal for the Law of the Sea has had several noteworthy achievements during the two years of its existence. The members of the Tribunal are to be commended for the elaboration of instruments crucial to the successful operation of the Tribunal, such as the rules of the Tribunal and guidelines concerning the preparation and presentation of cases before the Tribunal. The publication of such guidelines will undoubtedly lead to more expeditious proceedings before the Tribunal.

The delivery by the Tribunal of its first judgement, on 4 December 1997, is a landmark in the development of the law of the sea, being the first decision by the only judicial institution established by the international community for the adjudication of disputes relating to the interpretation and application of the Convention. It will thereby contribute to the promotion of international justice and the rule of law in the oceans.

In this regard, the work of the Tribunal will be instrumental in the development and consolidation of a jurisprudence of the law of the sea, which will ultimately redound to the benefit of all States members of the international community.

We also welcome the substantial progress made by the Commission on the Limits of the Continental Shelf during its two sessions held this year, including the finalization of work on its rules of procedure and technical guidelines to assist coastal States in the preparation of their submissions regarding the outer limit of their continental shelf.

The question of the creation of a trust fund to facilitate the participation of the members of the Commission from developing countries was considered, and we are hopeful that such a fund will be established. The participation of all members of the Commission, representing different backgrounds and geographical regions, could lend a wealth of experience and an added dimension to the work of the Commission. We also look forward to the continued beneficial relationship between the Commission and the Meeting of States Parties.

Trinidad and Tobago is pleased to see the inclusion, for the first time, of a segment on small island States in the report of the Secretary-General. We share the concerns of all small island States regarding the disruption of marine ecosystems, climate change, sea-level rise, management of wastes, freshwater resources, fishing stocks and natural disasters.

We are optimistic that the special session of the General Assembly to be convened in 1999 for an assessment and appraisal of the implementation of the Barbados Programme of Action will lead to conclusive results and firm commitments by all Member States to addressing this peculiar problem. In this connection, it is important that the Division for Ocean Affairs and the Law of the Sea continue to consider this area, which is of critical concern to so many Member States. Trinidad and Tobago will continue to cooperate with all relevant international bodies, as well as participate in international and regional approaches to this issue.

The shipment of hazardous waste poses a real threat to small island States, given their fragile ecosystems and their particular vulnerability to environmental damage. While we recognize the adoption of International Maritime Organization (IMO) guidelines in this regard, we urge increased consultations with coastal and island States prior to the shipment of hazardous waste through nearby waters and serious consideration of the use of alternative routes for such shipments. We believe that it is the responsibility of the international community to take the appropriate steps and measures to avoid the grave consequences of any incidents in connection with these shipments.

Trinidad and Tobago shares the international concern regarding unregulated fishing and the over-exploitation of fish stocks resulting in their depletion. We note the findings of the Secretary-General that, despite the adoption of the Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries, resources continue to be over-exploited and fisheries are becoming economically inefficient. Concerted action by the international community is necessary if the problem is to be properly addressed.

We remain committed to proper conservation and management measures in order to ensure the sustainable management of our fisheries resources. To this end, on 18 December 1997, Trinidad and Tobago entered into an agreement for cooperation in the fisheries sector with its close neighbour, Venezuela, and is pleased to inform the Assembly that the agreement entered into force on 29 October 1998. The agreement takes account of the interrelationship between the ecosystems in the area south of Trinidad and north of Venezuela and adjacent marine and estuarine areas, as well as the need to consider them as a unit. It sets up a Fisheries Commission and requires each party, *inter alia*, to participate in fisheries research, including the establishment of monitoring and assessment programmes and technical cooperation to enhance capacity in small-scale oceanic fisheries.

In September of this year, Trinidad and Tobago had the honour of hosting in Port of Spain an IMO regional seminar on legislation for the adoption and implementation of IMO conventions. The seminar addressed such issues as the international maritime framework for safety and pollution prevention, liability and compensation, the irradiated nuclear fuel code and the transport of radioactive waste. We believe that the regional approach to questions concerning maritime policy and ocean affairs will contribute to building a solid framework to guide States in their conduct in these areas.

We wish to express our thanks to the Independent World Commission on the Oceans for its report, which is comprehensive and wide-ranging. It addresses issues currently engaging the attention of the international community and contains many useful recommendations which could have a positive impact on the ongoing dialogue on oceans and the law of the sea.

Trinidad and Tobago recognizes that there remains much work to be done in the areas within the purview of the Convention and pledges its commitment to cooperate fully at the national, regional and international levels to

ensure the full implementation of the provisions of the Convention. It is through international cooperation and the requisite commitment by all Member States that the regime of the law of the sea can be fully implemented. The ever-growing number of ratifications of the Convention bears testimony to the will of the international community to achieve universality of the Convention. We therefore urge those States that have not yet done so to give serious consideration to becoming parties to the Convention. It is only by universal acceptance of the Convention that the goals of the founding fathers of the law of the sea and the dream of the common heritage of mankind will be fully realized.

Mr. Aluko-Olokun (Nigeria): Since I am addressing the Assembly for the first time, I want to join previous speakers in commending the excellent manner in which the President has been conducting the affairs of the Assembly. I have no doubt that his manifest qualities of leadership will crown our deliberations with astounding success.

My delegation wishes to extend its profound appreciation to the Secretary-General for the comprehensive and incisive report on developments pertaining to the implementation of the 1982 United Nations Convention on the Law of the Sea.

My delegation is pleased to note that during this year, proclaimed the International Year of the Ocean, the number of States parties to the Convention has increased, with more States either ratifying or acceding to the Convention and its relevant instruments, thus reaffirming our belief that only universal adherence and participation by all can give meaning to the Convention.

Structurally, the three institutions created by the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, have become functional.

We are happy to note that the International Seabed Authority, which began its independent work this year, following the signing of an agreement with the United Nations on 26 March 1998, met in New York on 12 and 13 October and adopted its scale of assessments for the budget of the Authority for 1999. It is the belief of my delegation that only the resolute discharge of obligations under the Convention through the timely payment of assessed contributions by member States will ensure a resource base for the Authority to continue to carry out its activities. My delegation is determined to meet its obligations to the Authority.

On the other hand, the International Tribunal for the Law of the Sea, established in 1996, has already held five sessions and approved its budget. The last of the institutions, the Commission on the Limits of the Continental Shelf, has also adopted its modus operandi.

My delegation notes with keen interest the decision of the Commission to establish an Editorial Working Group on its scientific and technical guidelines aimed at assisting coastal States to prepare their submissions regarding the outer limits of their continental shelf. Assistance to coastal developing States which are at a technological disadvantage in preparing their own data is a move in the right direction and should be encouraged.

We should also note the Commission's request for the establishment of a trust fund for travel expenses and accommodation for developing member nations, and we urge State parties to examine it seriously and to contribute generously. This is the surest way to ensure the widest participation in the activities of the Commission.

General Assembly resolution 52/26 called upon States to harmonize national legislation to be in conformity with the Convention. My delegation agrees with the importance of sea and ocean affairs at the global, regional and subregional levels, and we know that only a faithful implementation of the Convention can yield results. Nigeria, in heeding this call on 1 January 1998, adopted the Territorial Waters (Amendment) Decree 1998, which rolls back the outer limit of Nigeria's territorial waters from 30 to 12 nautical miles, as stipulated in the Convention.

An annual review of developments relating to the law of the sea has indicated through a United Nations Conference on Environment and Development report that there is deterioration of the global environment. More worrisome is the report that a third of the world's coastal regions are at high risk of degradation, particularly from land-based activities, such as unplanned urbanization, thus placing a major stress upon adjacent ecosystems. The Food and Agriculture Organization of the United Nations (FAO) has assessed that 35 per cent of the world's major marine fisheries are showing declining yield, 25 per cent have reached peak exploitation level, overfishing has depleted prized species and there is a disruption in the entire food chain. This must be

prevented, as such an unsustainable manner of economic development can lead to food insecurity and conflict situations in the future.

It will be recalled that Agenda 21, adopted at the Rio Summit, underscored that socio-economic development and environmental protection are interdependent and mutually reinforcing. The Convention, in its turn, has developed a balance between the use of the oceans and its resources and the protection of the environment in such a way as to ensure equitable and efficient use of resources. In addition, it has developed a number of international legal instruments that directly or indirectly contribute to the protection of marine and coastal development.

In resolution 51/36 the General Assembly noted the observation in the report of the Secretary-General that large-scale pelagic drift-net fishing and unauthorized fishing in zones of national jurisdiction and fisheries by-catch and discard were having negative impacts on the living marine resources of the world's oceans and seas and on their sustainable use. We cannot but agree with the Secretary-General's deep concern at the continuing reports of activities inconsistent with the terms of resolutions 46/215 and 49/116.

As a developing coastal State, Nigeria is concerned that such detrimental practices as dumping of toxic and hazardous wastes and other forms of pollution through the deliberate discharge of pollutants such as oily wastes, noxious liquids or solids and sewage by industrialized countries still persist. In the interest of the marine environment and the preservation of the ecosystem, we call on such States to desist from these acts. We note with relief, however, the incorporation of this area of concern in the draft articles submitted by the International Law Commission on the prevention of transboundary damage from hazardous activities and look forward to the positive outcome of the drafts.

The Acting President (*interpretation from French*): In accordance with General Assembly resolution 51/204 of 17 December 1996, I now give the floor to the President of the International Tribunal for the Law of the Sea.

Mr. Mensah (International Tribunal for the Law of the Sea): I wish first of all to express sincere appreciation on behalf of the International Tribunal for the Law of the Sea for the opportunity to address the General Assembly in the context of its consideration at this session of the important agenda item entitled "Oceans and the law of the sea".

Permit me to join in the general expression of congratulations to Mr. Opertti on his election as President of the General Assembly at its fifty-third session. There is no doubt that the important business of the General Assembly will benefit by his wise and experienced leadership. It is clear evidence of the soundness of the choice that the work of the session has advanced so successfully to date.

It is a singular honour and personal pleasure for me to speak to the General Assembly on an issue related to the oceans in the year 1998, which the Assembly itself designated as the International Year of the Ocean. Having spent most of my professional life in the maritime domain, I find it personally gratifying to be playing a modest role in advancing the objective of the United Nations in promoting the peaceful and efficient utilization of ocean space for the development of humankind as a whole. This objective is, of course, symbolically as well as practically, epitomized by the 1982 United Nations Convention on the Law of the Sea, which was developed under the auspices of the General Assembly.

The Convention has been in force for exactly four years. During that time all the institutions created by it have been put in place and are in operation. The International Tribunal for the Law of the Sea is one of those institutions. Its purpose is to assist the crucial aim of facilitating the peaceful settlement of disputes that may arise in the interpretation and application of the provisions of the Convention. The Tribunal was inaugurated in October 1996, following the election of the judges by the Meeting of States Parties on 1 August of the same year. We were greatly honoured and encouraged by the presence of the Secretary-General of the United Nations at the inaugural ceremony at the seat of the Tribunal, in Hamburg. The Secretary-General also participated in the laying of the foundation stone of the permanent premises of the Tribunal.

A detailed and informative report on the Tribunal was given in the statement by the representative of Senegal in his capacity as Chairman of the eighth Meeting of States Parties. I do not propose to add further to the details given by him, beyond expressing the profound appreciation of the Tribunal to Ambassador Badji, not only for the extremely competent way in which he directed the work of the Meeting of States Parties, but also for the support and assistance that he extended to my colleagues and myself in the delicate negotiations at that meeting. We benefited greatly from his wise guidance and constructive approach at all times.

In the two years since its inauguration, the Tribunal has been privileged to receive consistent support and encouragement from all the States parties, from the United Nations and from the international community in general. The Tribunal is most grateful for this support, and I would like, on behalf of all my colleagues — the judges, the Registrar and the staff of the Registry of the Tribunal — to express profound appreciation to all concerned for the assistance and encouragement they have given us in so many ways. That support is further reflected in one of the draft resolutions before the Assembly under agenda item 38. In particular, I wish to thank the delegations which co-sponsored the draft resolution, and especially the distinguished representative of Finland, who, I am informed, coordinated the negotiations leading to the text which so comprehensively sets out the various aspects of the law of the sea which need to be dealt with by the General Assembly at this time.

As noted in draft resolution A/53/L.35, the International Tribunal has made great strides during its two years of operation, and particularly so in the past year. It has almost completed its organizational arrangements, with the adoption of the rules and regulations necessary for the performance of its judicial tasks and related administrative functions. It has established the internal committees and formed the chambers required or permitted under the statute of the Tribunal. The task of constituting the Registry and its supporting infrastructure has proceeded apace, within the limits of the financial resources made available by the States parties. With the agreement of the Meeting of States Parties, the staff and other resources are to be strengthened incrementally over the next few years.

In November 1997, the Tribunal initiated its judicial work with the first application submitted to it. The proceedings commenced almost immediately and judgement on the case was delivered on 4 December 1997, as has been indicated in the report of the Secretary-General. The case involved the meaning and scope of one of the innovative provisions of the Law of the Sea Convention — article 292 of the Convention, concerning the prompt release of arrested vessels and their crews. The judgement of the Tribunal has already received extensive comment in academic and professional circles, indicating widespread interest both in this very important aspect of the Convention and in the work of the Tribunal as a whole. We are pleased and grateful for the recognition given to the judgement in that draft resolution.

The Tribunal is now seized of the first case on the merits to be submitted to it. This case, brought to the Tribunal by agreement between the States parties involved in the dispute, deals with many complex and interesting questions relating to the rights and obligations of States under the Convention on the Law of the Sea and general international law. Under present plans, judgement will be delivered in the case before the end of June 1999, less than 18 months after the submission of the case and less than two years from the date of the incident that gave rise to the dispute. It is hoped that this will provide a practical demonstration of the determination of the Tribunal to make its procedures as expeditious and cost-effective as possible, with due regard for the basic requirements of the judicial process and the right of the parties to be given appropriate opportunities to present their case. Experience to date has shown that the method of work established by the Tribunal in its rules and internal procedures are appropriate and in line with the expectations of the founding fathers of the Convention.

With regard to administrative and financial matters, the Tribunal has developed its financial and staff regulations. In line with the recommendations of the Meeting of States Parties, these are based on the regulations applied in the United Nations and its related organizations. The Tribunal has also concluded an Agreement on Cooperation and Relationship with the United Nations.

Arrangements have also been made for the participation of the staff of the Tribunal's Registry in the United Nations Joint Pension Fund and for the issue of a United Nations laissez-passer to the judges and personnel of the Tribunal's Registry. In this context, I wish to take the opportunity to express my sincere thanks and appreciation to the Secretary-General, Mr. Kofi Annan, for the personal interest he showed in the progress of the negotiations for the Agreement. Our thanks also go to the Legal Counsel and his senior collaborators in the Office of Legal Affairs and in the Division for Ocean Affairs and the Law of the Sea. They have spared no effort in providing the Tribunal, as well as the Registrar and his colleagues, with invaluable support, advice and assistance at every turn. It is our fervent hope and expectation that we will continue to benefit from their very useful cooperation, and I trust that the General Assembly will give them the necessary approval, encouragement and, above all, resources which will enable them to assist us to the extent required in future.

Another major development in the past year has been the adoption by the Meeting of States Parties of the Agreement on the Privileges and Immunities of the

Tribunal. That Agreement was opened for signature on 1 July 1997 and will enter into force upon ratification by 10 States parties. The Agreement is of crucial importance to the effective functioning of the Tribunal, and it is therefore essential that it be brought into force as soon as possible. I wish to avail myself of this unique occasion to appeal to the Governments of all States parties to expedite the necessary constitutional and other procedures to enable them to sign and ratify the Agreement at the earliest practicable opportunity.

The Tribunal and the authorities of the Federal Republic of Germany are in the final stages of the negotiations on the Agreement relating to the privileges and immunities of the Tribunal in its headquarters State. It is expected that a final agreement will be concluded soon. In this connection I wish to reiterate our appreciation and thanks to the Government of Germany and the city of Hamburg not only for the cooperative spirit in which these negotiations have proceeded but also for the many facilities which they have so generously and readily made available to us in diverse ways. Between them they have done all that is necessary to accommodate the needs of the Tribunal and its staff at its headquarters in the free and Hanseatic City of Hamburg.

In this regard, I am pleased to inform the Assembly that work on the magnificent premises being erected for the Tribunal by the Government of the Federal Republic of Germany and the city of Hamburg has progressed according to plan, and it is now expected that we will be in a position to move into it either at the end of 1999 or very early in the year 2000. It is my hope, and the hope of my colleagues at the Tribunal, that the United Nations will once again be suitably represented on that occasion.

I am pleased and honoured indeed to be able to report that the International Tribunal for the Law of the Sea is now firmly established and fully operational. It looks forward to the future with confidence and cautious optimism. In this it counts on the continued support and help of the States parties, the United Nations and the global maritime community.

The International Tribunal for the Law of the Sea is a pivotal part of the elaborate and comprehensive scheme of law and institutional framework established by the 1982 Convention on the Law of the Sea. In addition to its role as one of the procedures which States parties may choose for the settlement of disputes concerning the interpretation and application of the Convention, the Tribunal acts also as a compulsory forum for dealing with various cases which the international community considers must be resolved peacefully and expeditiously. These range from disputes between States and other appropriate entities in connection with activities for the exploration for, and exploitation of, the resources of the international seabed area, to the release of arrested and detained vessels and their crews, to the prescription of provisional measures to preserve the rights of parties in dispute or to prevent irreversible harm to the marine environment.

The judges of the Tribunal, and the Registrar and the staff of the Registry, recognize the importance of the mandate of the Tribunal, and they are determined to discharge the responsibilities which have been placed on them. But they are also keenly aware that they need the material and moral support of States, of the United Nations and of the international community as a whole for the successful achievement of the objectives underlying the establishment of the Tribunal itself.

In reporting to the Assembly the modest but significant achievements of the past two years, I wish to emphasize the need for continued support and assistance from all States to enable the Tribunal to ensure its effective operation in coming years. The Tribunal acknowledges with thanks the generous recognition given to it in the draft resolution. It is most appreciative of the very kind words about its work that have been expressed from this rostrum during this debate. It seeks the further and continuing help of the Assembly in other areas. In this regard I wish to call special attention to two major areas.

The first is to urge the States parties to the Convention to make the necessary declarations concerning the choice of procedures under article 287 of the Convention. As is well known and is stated in the draft resolution, the jurisdiction of the Tribunal and the other procedures enumerated in article 287 over disputes derives basically from the choice made by the States involved in the disputes. This choice may be made at any time by means of the declaration specified in the Convention. It is therefore important that as many States parties as possible make these declarations as quickly as possible. And, naturally, it would be most welcome to the Tribunal if States parties were to give the most serious consideration to including the Tribunal in their choice of procedure. I wish to assure the Assembly that the Tribunal stands ready to assist all States in the peaceful settlement of the disputes which may arise between them in the implementation of what must be, and has been described as, the most comprehensive treaty to

have been negotiated under the auspices of the United Nations.

The second matter of concern to the Tribunal is alluded to in the draft resolution. This is the issue of resources to be given to the Tribunal. In this regard I should like to refer to the resources made available in the periodic budgets approved by the States parties. The Tribunal is immensely grateful to the States parties for the very helpful provisions of financial and other support which it has received to date. These have been extremely useful and met most of its needs, although it must be said that it requires more to be truly effective in all aspects of its work. Of course, we recognize the very serious constraints under which all Governments have to operate at this time, and we accept that we also have to make necessary economies in our operations. We only request that due account continue to be given to the necessity of ensuring that the resources given to us are in fact adequate to ensure the full and effective discharge of the important mandate given to us.

But even more important, the Tribunal must be assured that the budgetary appropriations approved will in fact be available to it. For this to happen it is imperative that all States parties and other entities concerned pay their assessed contributions fully and on time. In the past this has not been the case, and this has caused serious difficulties for the Tribunal. The Tribunal would be most grateful if all States parties would take the necessary steps to discharge their financial commitments to the Tribunal without delay. In doing so they will be making an invaluable and indispensable contribution to the viability and effective operation of the institution that they themselves established with the worthy objective of ensuring that disputes are settled peacefully in accordance with the principles of the United Nations Charter.

I end by reiterating my appreciation to you, Sir, and to the delegates for the opportunity to address the Assembly. I wish to thank again the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea for the continuing support they have given us. On behalf of the Tribunal and the Registrar, I wish to thank the sponsors of the draft resolution for its references to the role and activities of the Tribunal.

I now wish the General Assembly every success in its important deliberations at this session.

The Acting President (*interpretation from French*): In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on the Secretary-General of the International Seabed Authority, Mr. Satya Nandan.

Mr. Nandan (Secretary-General of the International Seabed Authority): I would like to express the appreciation of the International Seabed Authority to the delegations that have expressed their support for the Authority. I also would like to express the Authority's appreciation for the various references to it in the draft resolution in document A/53/L.35.

By operative paragraph 9 the Assembly would acknowledge the progress being made by the Authority towards adopting a mining code for exploration for polymetallic nodules. The adoption of such a code is essential and urgent in order to enable the Authority to issue the first set of seven licences or contracts for the exclusive exploration for polymetallic nodules by the seven applicants who were registered as pioneer investors by the Preparatory Commission. The plans of work submitted by the seven registered pioneer investors were approved by the Council of the Authority in August 1997, thus bringing these pioneer investors from the interim regime in resolution II of the Third United Nations Conference on the Law of the Sea into the definitive regime created by the Convention on the Law of the Sea and the 1994 Agreement relating to the implementation of Part XI of the Convention. The mining code prepared by the Legal and Technical Commission has been submitted for the consideration of the Council. The Council is reviewing the draft with a view to its adoption and provisional application pending final approval by the Authority's Assembly.

In addition to the mining code, the Authority has been engaged in other substantive work. It has established a secure database, including a geographical information system, for data and information relating to the resources of the international seabed area. It has embarked on a detailed assessment of the resource potential of the areas reserved for the Authority under the pioneer regime.

In June 1998 the Authority convened a workshop in Sanya, on Hainan island in China, on the development of guidelines for the collection of data and information for the assessment of possible environmental impacts of activities in the deep seabed. The participants in this workshop included scientists and oceanographers from pioneer-investor countries and from other countries whose scientists have been engaged in research and

observation of the marine environment of the deep seabed. The draft guidelines produced by the workshop will be submitted to the Legal and Technical Commission for its consideration in 1999. The proceedings of this workshop will also be published. One interesting fact that emerged from the workshop is the conscientious manner in which all registered pioneer investors and a number of other institutions and entities have been undertaking studies in the deep seabed on the effects on the marine environment of deep seabed activities. Such studies and observations are an ongoing process required by the Convention and the 1994 Agreement. This requirement has been further elaborated in the mining code.

A further workshop, dealing with seabed mining technology, will be held in 1999. It is expected that in addition to experts from pioneer-investor countries, the participants will include experts from other countries and, in particular, representatives of the private sector engaged in the design and development of technology for offshore mining. Though technology is not yet ready for commercial production of minerals from the seabed, considerable progress is being made by a number of operators in the design and development of such technology, and in some cases early models have been tested at sea.

The Authority is also to undertake a review of the status of knowledge and research on resources other than polymetallic nodules in the international seabed area. Although international attention has previously been focused on polymetallic nodules, a considerable amount of research has taken place with respect to deposits of hydrothermal polymetallic sulphides and cobalt crusts in parallel with research on polymetallic nodules. Some of the deposits of such minerals found in the international seabed area have potential for development. The study of these other mineral resources has become imperative in the light of the request made recently to the Authority, pursuant to article 162, paragraph 2 (o) (ii) of the Convention and to the 1994 Agreement, to adopt rules, regulations and procedures for exploration for hydrothermal polymetallic sulphides and cobalt-bearing crusts. This article provides that, on request by any member of the Authority, the Council shall complete the adoption of such rules, regulations and procedures within a period of two years. The Authority received such a request from a member State during its August 1998 session.

I am pleased that draft resolution A/53/L.35 urges States that have not yet done so to pay their contributions to the administrative budget of the Authority and to the International Tribunal for the Law of the Sea in full and on time. Both these institutions have cash-flow problems because not all States have met their obligations under the Convention. It is important that States demonstrate their support for the Convention and the institutions established by it by fulfilling their obligations promptly, otherwise the viability of these institutions will be put into question.

In the case of the Authority, this support must also be shown through participation in the work of the organs of the Authority. I should mention that the Convention and the Agreement establish a very high threshold for the quorum necessary for the Assembly and the Council, which in the case of the Assembly is one half of the total membership of the Authority. It is apparent, therefore, that without the presence of members at the meetings of the Authority, its ability to take decisions will be affected. It is hoped that there will be larger participation in the next meeting of the Authority, which is scheduled to have only one three-week session in 1999, from 9 to 27 August.

I should mention that the Government of Jamaica has very kindly offered a permanent headquarters for the Authority. We are very grateful for this offer, and the Authority is currently studying its cost implications in respect of the maintenance costs involved should the Authority assume the responsibility for the building that is being offered.

I would like to express appreciation to the Secretary-General for his report contained in document A/53/456 and to congratulate my friends and colleagues in the Division for Ocean Affairs and the Law of the Sea on their fine work. The report is comprehensive and, indeed, very useful.

When we look at the broad spectrum of issues contained in the Secretary-General's report, it is more apparent than ever that the problems of ocean space are closely interrelated and need to be considered as a whole. Indeed, this principle is embodied in the preamble of the Convention, and the interrelationship of the various parts of the Convention is premised on this fundamental principle. It is therefore logical that this integrated approach to the different uses of the oceans and the development of their resources is adopted in the implementation of the Convention. It is only through such an approach that the delicate balance between the conflicting interests and activities in the oceans achieved in the Convention can be maintained. Such a balance was seen as a sine qua non for the general and widespread acceptance of the Convention.

Since the Convention was adopted, and especially since the early 1990s, a large number of new international instruments have been put in place, a number of which are within the framework of the Convention. Examples of these include the 1994 Implementing Agreement relating to the implementation of Part XI of the Convention, the 1995 Agreement on straddling fish stocks and highly migratory fish stocks and the Food and Agriculture Organization of the United Nations Code of Conduct and the related Compliance Agreement.

There are also other instruments which touch upon aspects of the oceans, such as the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the London Dumping Convention, the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. In addition, aspects of ocean governance are being discussed by a number of international organizations and technical bodies, and the Commission on Sustainable Development has scheduled a review of the sustainable uses of the oceans for its next session.

These developments, which have taken place within the parameters established by the Convention, represent great progress towards a comprehensive system of ocean governance. However, there is a concern that without proper coordination and an integrated approach, there is a risk of ineffective and inefficient policy-making based on sectoral considerations which may not accord with the overall balance achieved in the Convention on the different uses of the ocean. This in turn may lead to inconsistent implementation of the Convention itself.

At this stage in the evolution of the law of the sea, it is appropriate that we should pause to take stock and ask ourselves how, as a practical matter, we can discuss developments relating to the oceans in a forum which promotes an integrated approach to the oceans in the spirit of the unified and comprehensive nature of the Convention.

The ocean community consists of various interests and represents a variety of disciplines. It includes Governments, intergovernmental organizations and non-governmental organizations. Even before the Convention was adopted, the number of sectoral interests in the oceans had begun to grow. Each is involved in its own sphere of activity and is often unaware of developments and activities in other ocean-related sectors. If we are to maintain and promote the unified character of the Convention, to which we refer in the draft resolution before us, then we have to reach out and find a forum where there can be broader participation and exchange of views on all ocean-related matters.

In this regard, the annual debate in the General Assembly continues to be useful and must be maintained to enable the General Assembly to take decisions on administrative matters and other specific issues brought to it, as is the current practice. It must be recognized, however, that the time available for a comprehensive review of this item in all its aspects is necessarily limited, and the rules of procedure of the General Assembly, in particular in the plenary, do not allow for broad participation by the totality of the ocean community.

The need for an additional forum is therefore self-evident. The issue has been raised at different times and in different forums. It has been raised in the Meetings of States Parties to the Convention. There have also been attempts to set up global commissions on the oceans, and there have been proposals regarding an independent ocean forum. We have also heard a number of statements in this debate on this issue. All of these factors indicate that there are substantive issues to be discussed on a range of topical issues, but that an appropriate forum is not yet available which allows for full participation and broad exchange of views among all interest groups.

Even in this house there are economic, environmental and other groupings which feel that the discussion in the General Assembly on ocean-related matters is biased towards legal and political aspects and that developments in other areas of interest, where major developments are indeed taking place, are not adequately represented in the debate. It is also evident that there is no participation by intergovernmental organizations representing different disciplines — for example, the agencies and technical bodies dealing with marine-related matters, such as the International Maritime Organization, the Food and Agriculture Organization of the United Nations and the International Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, except through the summarized format of the report of the Secretary-General. As the Secretary-General's report attests, these agencies and bodies, as well as others, including those at regional and subregional levels, are doing a tremendous amount of work on the application and implementation of the Convention. At least some of these bear more elaboration and discussion in the overall context of the ocean debate.

As we consider the way in which the General Assembly has dealt with the law of the sea in the past, it is apparent that the discussions in the General Assembly have served a very useful purpose. This was particularly so during the period following the adoption of the Convention in 1982, when the major concern was to put the legal framework in place against a background of controversy, divided views and uncertainty. Annual resolutions were negotiated informally in order to minimize controversies and to progress beyond the deadlock on certain unresolved issues that existed in 1982. That period ended with the adoption of the Agreement relating to the implementation of Part XI in 1994 and with the near universal acceptance of the Convention that followed. We are now at a stage where the legal framework is in place, and States and organizations are striving to implement the Convention and to use it as a framework for a variety of economic, scientific and technical activities.

As we move into the twenty-first century, we need to recognize that the issues are no longer exclusively of a legal nature. Indeed, after some 400 years of evolution, the legal issues are relatively settled as a result of the 1982 Convention. We are now in the process of implementation of the Convention at all levels: national, regional and global. The establishment of the rule of law, albeit a major achievement, is not an end in itself, but a means towards a more orderly and rational use of the oceans and their resources. The emphasis today is on the extent and nature of the developmental activities in relation to the oceans and their resources and on the impact of such activities on the marine environment.

New trends in the development of ocean-related activities will bring new challenges to the international community. In the fields of navigation, fisheries and research and development of offshore mineral resources, these trends will reflect the rapid economic, scientific and technological developments which have already grown exponentially in the three decades since the negotiations leading to the adoption of the Convention began. The effect of these would be to further increase the pressure on the ocean environment.

The challenge that faces the international community is how to respond to the evolving situation in a manner which deals with all oceans-related matters as a whole. In this respect, the challenge for the General Assembly is how to respond to the various initiatives to devise a global forum which reflects this integrated approach. It must take early action to avoid a proliferation of forums, sectoral or otherwise, which would detract from the responsibilities assumed by the General Assembly in its resolution 49/28 as the global institution having the competence to undertake an annual review of overall developments relating to the law of the sea. If the General Assembly is to maintain its foremost role, then it must give consideration to the need for a more inclusive forum for a broad-based dialogue. In this context, we might recall that Agenda 21 had called for the General Assembly to provide for regular consideration within the United Nations system at the intergovernmental level of marine and coastal issues. The recent report of the Independent World Commission on the Oceans also has recommendations on the need for the establishment of such a forum.

I believe that the General Assembly, in addition to its present annual review of the item on the law of the sea, can devise a mechanism for a periodic meeting under its auspices, say every alternate year, dedicated to ocean affairs, with adequate time and an agenda that provides for discussion of a variety of topical issues. At such a meeting, specialized agencies and other intergovernmental bodies may be invited to make presentations on important developments in their respective areas of responsibility. The meeting must also provide for the participation of interested non-governmental organizations.

The alternative, as some have suggested, of expanding the agenda of the Meetings of States Parties may not be appropriate, since that body already has specific responsibilities assigned to it under the Convention. These include certain administrative and procedural responsibilities, as well as the election of members of the Tribunal and the Commission on the Limits of the Continental Shelf. Furthermore, the full membership of that body is limited to States parties to the Convention.

I hope that this issue of an appropriate forum and format for global dialogue on oceans-related issues is further discussed and an appropriate mechanism found. There will be other opportunities to discuss this matter, such as at the meeting of the Commission for Sustainable Development, which is to consider oceans and seas as its sectoral theme in 1999 — as others have already stated — and where there will be a broad representation of Governments, as well as intergovernmental and non-governmental organizations. I hope that the discussion there will take into account the role that the General Assembly has ascribed to itself in this matter.

The Acting President (*interpretation from French*): We have heard the last speaker in the debate on this item.

I call on the representative of the United States of America to introduce oral revisions to draft resolution A/53/L.45.

Mr. McCarthy (United States of America): In my delegation's capacity as coordinator of agenda item 38 (b), I have two oral revisions I would like to present to draft resolution A/53/L.45, entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments".

The changes contained in the oral revisions were included in the original draft text but somehow omitted when A/53/L.45 was printed.

The first oral revision pertains to the first preambular paragraph. At the end of that paragraph, the following words should be added:

> "relating to large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments".

The second oral revision pertains to the sixth preambular paragraph. In the last full line of that paragraph, a comma and the phrase "in this context," should be inserted after the word "address". Thus, the last full line would read:

> "and Agriculture Organization of the United Nations to address, in this context, the issue of fishing overcapacity".

The Acting President (*interpretation from French*): We shall now consider draft resolutions A/53/L.35 and A/53/L.45.

I now call on the representative of Turkey, who wishes to speak in explanation of vote before action is taken on the draft resolutions.

May I remind her that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mrs. Baykal (Turkey): Among the two draft resolutions before us on the agenda item entitled "Oceans and the law of the sea", Turkey will vote against that contained in document A/53/L.35.

The reason for my delegation's negative vote is that some of the elements contained in the United Nations Convention on the Law of the Sea, which had prevented Turkey from approving the Convention, are retained in the draft resolution. Turkey supports all international efforts to establish a regime of the sea that is based on the principle of equity and which can be acceptable to all States. However, the Convention does not make adequate provision for special geographical situations and, as a consequence, is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for registering reservations on specific clauses.

Although we agree with the Convention in its general intent and most of its provisions, we are unable to become a party to it owing to these serious shortcomings. This being the case, we cannot support the draft resolution, which calls upon States to harmonize their national legislation with the provisions of the Convention on the Law of the Sea and to ensure the consistent application of those provisions.

The Acting President (*interpretation from French*): The Assembly will now take decisions on draft resolutions A/53/L.35 and A/53/L.45

We turn first to draft resolution A/53/L.35, entitled "Oceans and the law of the sea". The following countries have become co-sponsors of the draft resolution: Cameroon, Greece, the Marshall Islands and the Philippines.

A recorded vote has been requested.

In favour:

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, China, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan,

Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Turkey

Abstaining:

Colombia, Ecuador, El Salvador, Iceland, Peru, Venezuela

Draft resolution A/53/L.35 was adopted by 134 votes to 1, with 6 abstentions (resolution 53/32).

[Subsequently, the delegation of Guyana informed the Secretariat that it had intended to vote in favour.]

The Acting President (*interpretation from French*): We shall now turn to draft resolution A/53/L.45, entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments".

Since the introduction of the draft resolution, the following countries have become sponsors: Canada, the Philippines and Vanuatu.

May I take it that the Assembly wishes to adopt draft resolution A/53/L.45?

Draft resolution A/53/L.45 was adopted (resolution 53/33).

The Acting President (*interpretation from French*): I shall now call on those representatives who wish to speak in exercise of the right of reply.

May I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats.

Mr. Larraín (Chile) (*interpretation from Spanish*): Once again the representative of Bolivia has referred to his country's maritime aspirations in this Assembly, an organ, which like any other multilateral forum, has no competence whatsoever for dealing with matters relating to the sovereignty of Member States. As on other occasions, the representative of Bolivia arrogantly insists on discussing, on false premises, a matter that was definitively resolved 94 years ago through a treaty that was freely agreed to and which is fully in force. I am referring to the 1904 treaty of peace, commerce and friendship between Chile and Bolivia, which, I reiterate, was freely agreed to and received the broad support of the Bolivian Congress. It is not true that Bolivia is deprived of exercising its rights and duties enshrined in the United Nations Convention on the Law of the Sea. In fact, Bolivia is in a privileged situation, as it enjoys facilities granted by Chile that far exceed what is granted to other landlocked countries in any other part of the world.

The present Bolivian Government is involved in a counter-productive campaign that does not in any way promote coexistence between two neighbouring countries and only attempts to deceive its own people into believing that being landlocked is the cause of all their problems.

Chile reiterates its readiness to work with Bolivia on the road to integration and development. Bolivia, on the other hand, seems to be choosing the path of confrontation, resorting to outdated means that led nowhere in the past and lead nowhere now. Once again, we invite Bolivia to look to the future.

Mr. Gao Feng (China) (*interpretation from Chinese*): Because of the reference made by the Viet Namese delegation this afternoon to the Chinese territory of the Xisha and Nansha Islands, I must speak again in exercise of the right of reply to express my views on this issue and to set the record straight.

First, the Xisha and Nansha Islands have been a part of Chinese territory since ancient times. This is based on historical facts, including years of our exploration of these islands in the South China Sea, as well as our jurisdiction over them. This has also been confirmed in numerous international documents and the practices of various countries since the Second World War, including those of our neighbouring countries in the area of the South China Sea.

Secondly, the Chinese Government has always maintained that a peaceful resolution of the problem relating to this should be achieved through negotiations. The Chinese Government is in favour of appropriately resolving the dispute with the countries concerned through peaceful negotiations in accordance with well-established international law, including the basic principles set out in the United Nations Convention on the Law of the Sea. At present, China is engaged in direct and friendly dialogue and practical consultations with countries concerned at the highest level. This will be conducive to a gradual resolution of the problem. It is worth pointing out that in some areas China already has a common understanding with some countries in terms of joint development and research, and a good beginning has been made in this regard.

Thirdly, China is opposed to the internationalization of the question of the Nansha and Xisha Islands. It also opposes intervention in the issue by nations outside the region, which will only complicate the matter further. We believe that the parties to the dispute should abide by the relevant norms governing international law and the principles for the peaceful settlement of international disputes so as not to complicate and magnify the problem.

Mr. Sorreta (Philippines): The Philippines wishes to exercise its right of reply on a matter that has been raised during today's deliberations, a matter of serious concern relating to the sovereignty and territorial integrity of my country.

For the record, certain areas of the South China Sea which are being claimed by some States form part of the national territory of the Philippines. Like many other countries, the Philippines views the United Nations Convention on the Law of the Sea as an important achievement of the international community. The Philippines recalls, though, that several commentators and publicists have predicted that the extended jurisdictional regimes of the United Nations Convention on the Law of the Sea will create some problems. This prophecy has unfortunately come true with regard to the South China Sea. Our already difficult territorial and jurisdictional situation has in effect been made a little more difficult.

But that being said, the Philippines continues to look towards the United Nations Convention on the Law of the Sea and other norms of international law to try to resolve our differences on the South China Sea in a just, peaceful and lasting manner.

The South China Sea holds not only potential for conflict, but also the promise of peace and progress, and not only for us in the region, but for all States interested in global growth and development. We thank those who have shown concern and interest in the recent developments in the South China Sea, particularly through recent multilateral actions. We hope that the international community will continue to remain concerned and interested as those of us directly involved try to work out our differences, as good and sincere neighbours should.

Mr. Shamsudin (Malaysia): My delegation has taken note of the statements made by the representatives of China, the Philippines and Viet Nam on the South China Sea. As one of the claimant States to a part of the Spratly Islands, Malaysia has always emphasized and will continue to emphasize the need to resolve the dispute concerning the sovereignty of the Spratly Islands through peaceful means and without resorting to threats of or the use of force. In this context, Malaysia fully subscribes to the principles contained in the 1992 Association of South-East Asian Nations Declaration on the South China Sea, which calls on all parties concerned to resolve their disputes peacefully through negotiations.

Malaysia also supports efforts to resolve the dispute in accordance with international law and the 1982 United Nations Convention on the Law of the Sea. Malaysia is encouraged by the fact that all claimant States have accepted peaceful negotiations and friendly dialogue as the means to resolve their differences. Malaysia would like to urge all claimant States to adhere to this principle and to refrain from actions which could lead to unnecessary tensions in the area.

Furthermore, in resolving disputes, Malaysia is of the view that other States that are not parties to the dispute should not be involved, interfere or in any manner influence the process of negotiations between the claimant States. Peaceful negotiations between two or

more claimant States should be conducted on the basis of equality and mutual respect.

Mr. Jordán Pando (Bolivia) (*interpretation from Spanish*): This morning, in the statement I made on behalf of my delegation, I was somewhat reticent and euphemistic and did not mention Chile, but alluded only to "a country". I am grateful that the representative of Chile has acknowledged that it was Chile to which I referred, thus placing on record that Chile is the country involved in the landlocked status of Bolivia. It is not true, as Chile arrogantly maintains, that there are no issues in dispute between a landlocked country and a country that created that landlocked situation, between a coastal country and the one it has deprived of its only outlet to the Pacific basin.

I accept Chile's invitation to look to the future, and I accept the invitation to move forward in integration and development. But that integration and development should be aimed at removing Bolivia from its landlocked situation, rather than being a commercial integration designed to enclose it.

I invite Chile, before this Assembly, to form a working group, under the auspices of the United Nations, to examine this international question and to decide whether there are no outstanding issues and everything has been resolved, or whether there is an unresolved issue, a perpetual landlocked status that must be resolved as a matter of international justice. Another objective of the working group would be to quantify, objectively and subjectively, exactly what the cost to Bolivia has been for 119 years of enclosure or for the 94 years since the signing of the imposed treaty of 1904.

Finally, the other objective, which certain Chileans will applaud, such as Huidobro or the mayor of Iquique, who are asking for a solution to the problem with Bolivia, would be to determine whether Chile loses or gains by delivering Bolivia from its landlocked status. Therefore, I propose this working group to examine all of this under the auspices of the United Nations. That is my invitation: to see, together with Chile and the international community, what that new beginning, that path to the future, can be.

Mr. Larraín (Chile) (*interpretation from Spanish*): The obstinate zeal with which the representative of Bolivia seeks to distort history is really incomprehensible. The reality is very different from his description of it. The treaty of 1904, to which I referred in my reply, was signed 20 years after the cessation of hostilities between Chile and Bolivia. Furthermore, as I also said in my reply, it was broadly approved by the Bolivian Congress. The Minister who signed the treaty was even elected President, using precisely that treaty as part of his political platform. So can it then seriously be said that this was a treaty imposed by force? This type of facile assertion constitutes an affront to representatives in the assumption that they are ignorant. In these circumstances, I will not continue to debate someone who has no respect for the audience he addresses and who insists on putting before that audience matters that have nothing to do with it.

My country does not recognize, in the United Nations or any other multilateral forum, any capacity to intervene in a matter that is strictly a matter of its own sovereignty.

Mr. Jordán Pando (Bolivia) (*interpretation from Spanish*): The border differences with Chile were caused precisely by the treaty of peace and friendship of 1904, which Chile, through military occupation of our territory and its customs houses, forced us to sign after we had rejected it for 20 years. That is not consent. The treaty of 1904 sealed our landlocked status. Bolivia had never been landlocked, but became landlocked after the signing of that treaty, perpetually landlocked. My question to all international or bilateral forums is, can a country have the right to enclose another country in perpetuity? Can a country be forced to pay costs of war in perpetuity?

The problem with Chile was not originally about the border; it was under the pretext of a tax on guano and saltpetre levied by Bolivia on its sovereign territories that Chile occupied the territory of the Bolivian coastline. The reason Chile gave for this is found in the words of the Chilean former Foreign Minister Abraham Köning, who maintained, in true Prussian manner, that the right to cut Bolivia off from its coast derived from victory, the supreme law of nations. Neither the League of Nations, nor this Assembly, nor the international community can approve of such a right of conquest.

The Acting President (*interpretation from French*): May I take it that the General Assembly wishes to conclude its consideration of agenda item 38?

It was so decided.

The meeting rose at 7.15 p.m.